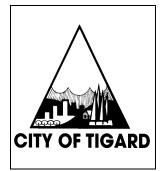
TIGARD CITY COUNCIL BUSINESS MEETING

July 10, 2001 6:30 p.m.
TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are <u>estimated</u>; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. <u>Business agenda items can be heard</u> in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, Ext. 309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments;
 and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, x309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A TIGARD CITY COUNCIL BUSINESS MEETING JULY 10, 2001

6:30 PM

- STUDY MEETING
 - > Review Health Insurance Coverage Options
 - > Review Council Groundrules
 - EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statue. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING
 - 1.1 Call to Order City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
- 2. RECOGNIZE MR. BRUCE ELLIS, FOUNDER OF THE TIGARD FESTIVAL OF BALLOONS
 - a. Staff Report: Administration Department
 - b. Council Comments
 - c. Council Consideration Resolution No. 01-_____
- 3. VISITOR'S AGENDA (Two Minutes or Less, Please)

4.	enact	ISENT AGENDA: These items are considered to be routine and may be ed in one motion without separate discussion. Anyone may request that an item moved by motion for discussion and separate action. Motion to: Approve Council Minutes: May 8 and 15, 2001. Receive & File: a. Council Calendar
	4.3	 b. Tentative Agenda Authorize the City Manager to Submit an Application for a Land and Water Conservation Fund Grant for Improvements to Woodard Park – Resolution No. 01-
	4.4	Initiate Vacation of Public Right of Way Located at SW Beveland Street at SW 72 nd Avenue – Resolution No. 01
	4.5	Amend Resolution No. 01-33 to Correct the Statement of Tigard's Permanent Property Tax Rate — Resolution No. 01
	4.6	Waive Purchasing Rules 70.020, Screening and Selection Policy for Personal Services Contracts for the Building Division Inspection and Plan Review Contract with Winstead & Associates and Electrical Inspection Services – Resolution No. 01
	4.7	Local Contract Review Board: Award Personal Computer Contracts to Computer Technology Link, Caliber Computer Corporation, Northwest
	4.8	Computing and Precision Computers Approve Acquisition of Property Owned by Gerald C. Cach and Nicholas Capistrano for Burnham Street Improvements
	4.9	Approve Addendum to the City Manager's Employment Agreement
	•	Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.
5.		ISIDER FEE ADJUSTMENT FOR LIQUOR LICENSE APPLICATION CESSING
	a.	Staff Report: Police Department
	b.	Council Discussion and Questions
	C.	Council Consideration: Resolution No. 01
6.		ISIDER THE ESTABLISHMENT OF A REVISED AND ENHANCED SEWER IBURSEMENT DISTRICT INCENTIVE PROGRAM Staff Report: Engineering Department Council Discussion and Questions Council Consideration: Resolution No. 01
	C.	Codition Consideration. Resolution 110. O 1

- 7. HEAR AN UPDATE ON THE BULL MOUNTAIN ANNEXATION WORK PLAN AND STUDY
 - a. Staff Report: Community Development Department
 - b. Council Discussion and Questions
 - c. Council Direction to Staff Comments/Suggestions
- 8. OREGON DEPARTMENT OF TRANSPORTATION REVIEW SIGNAL LOOP REPLACEMENT PROJECT
 - a. Staff Report: Administration Department
 - b. Overview of Project: Oregon Department of Transportation
 - c. Council Discussion and Questions
- 9. CONTINUATION (FROM THE JUNE 12, 2001, CITY COUNCIL MEETING)
 OF PUBLIC HEARING CONSIDERATION OF THE FORMATION AN
 ECONOMIC IMPROVEMENT DISTRICT (EID) TO ESTABLISH A FRAMEWORK
 FOR THE TIGARD CENTRAL BUSINESS DISTRICT (TCBDA) TO CONTINUE
 TO PROMOTE AND REVITALIZE DOWNTOWN
 - a. Public Hearing Continued
 - b. Review of Proceedings by Staff: Community Development Department
 - c. Public Testimony (Proponents, Opponents)
 (Review of information requested by the Tigard City Council at the June 12, 2001, Hearing.)
 - d. Recommendation by Community Development Director
 - e. Council Questions or Comments
 - f. Close Public Hearing
 - g. Council Consideration: A motion whether to proceed with formation of the district and schedule a second public hearing.
- 10. COUNCIL LIAISON REPORTS
- 11. NON AGENDA ITEMS

12. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statue. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

13. ADJOURNMENT

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AGENDA ITEM#	2
FOR AGENDA OF	July 20, 2001

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Recognizing the Contributions of Mr. Bruce Ellis, founder of the Tigard Festival of Balloons
PREPARED BY: Cathy Wheatley DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
City Council is asked to consider a resolution recognizing the contributions of Mr. Bruce Ellis, founder of the Tigard Festival of Balloons.
STAFF RECOMMENDATION
Adopt the proposed resolution.
<u>INFORMATION SUMMARY</u>
At a recent City Council meeting Council discussed and then directed that a suitable resolution be prepared to recognize the contributions of Mr. Bruce Ellis, the founder of the Tigard Festival of Balloons. Mr. Ellis brought the event to the City of Tigard's Cook Park nine years ago. Since that time, the event has grown to draw a regional audience and has benefited many organizations, service clubs, and worthy causes in the community.
OTHER ALTERNATIVES CONSIDERED
n/a
VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY
This item relates to the Community Character and Quality of Life goal addressing Community Events, whereby the City of Tigard sponsors ongoing, popular community events.
ATTACHMENT LIST
1. Proposed Resolution.
FISCAL NOTES

n/a

CITY OF TIGARD, OREGON

RESOLUTION NO.	01-
RESOLUTION NO.	. 01-

A RESOLUTION BY THE TIGARD CITY COUNCIL EXPRESSING APPRECIATION TO BRUCE ELLIS FOR THE SPLENDID QUALITY OF PUBLIC SERVICE THAT HE HAS PROVIDED TO THE COMMUNITY THROUGH HIS FOUNDING AND PRESERVATION OF THE TIGARD FESTIVAL OF BALLOONS.

WHEREAS, it was by the unanimous consent of the Tigard City Council that a suitable resolution be prepared expressing commendation and appreciation for the untiring and valuable service rendered to the City of Tigard by

Mr. Bruce Ellis

WHEREAS, for the last nine years Mr. Ellis has made it possible for the community to enjoy a successful regional event showcasing the community spirit and hospitality of the people, organizations, and service clubs of the City of Tigard through his founding and preservation of

The Tigard Festival of Balloons

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1:	The	C	City of	f Tigard	City	Council	exter	nds to	Mr.	Elli	s it	s ex	epression (of	esteem	for l	nis
		_															

faithful and steadfast devotion to the Tigard Festival of Balloons, which has greatly

benefited the City of Tigard.

The City of Tigard City Council extends its best wishes to Mr. Bruce Ellis for good **SECTION 2:**

	health, succ	cess, and prosperity	y for man	ny ye	ears to con	ne.	
EFFECTIVE DATE:							
PASSED:	This	_ day of		_ 200)1.		
			Mayor -	- Cit	y of Tigar	d	
ATTEST:							

City Recorder - City of Tigard

TIGARD CITY COUNCIL MEETING MINUTES MAY 8, 2001

STUDY MEETING

The Study Meeting was called to order at 6:31 p.m.

Council present: Mayor Griffith, Councilors Dirksen, Moore, Patton, and Scheckla (6:34 p.m.)

> ADMINISTRATIVE ITEMS

- A proclamation for National Public Works Week, May 20-26, 2001, would be added to the Business Meeting Agenda.
- The Aquifer Storage & Removal agenda item, No. 5., was set over to a June City Council meeting. A memorandum from Public Works Director Ed Wegner was distributed to the City Council.
- City Manager Monahan reviewed a request from the Tigard-Tualatin School District to sponsor the Tigard High School graduation by placing the fireworks display on the City's insurance policy. A copy of a letter from School Superintendent Steve Lowder was distributed to the City Council.

Note: Councilor Scheckla arrived at 6:34 p.m.

City Manager noted the students would like have fireworks again this year during the graduation ceremony. The City was being asked to endorse this event as part of the City's insurance policy. At this time there is no cost to the City for adding the event to the policy. The cost would occur should there be a problem with the fireworks that would result in increased insurance premiums. City Monahan will negotiate with the School District to indemnify the City should there be a future impact on the insurance policy because of the City's coverage of this event.

Councilor Scheckla asked about details of the event. The School District is required to provide proof that the pyrotechnician is licensed.

Consensus of the City Council was that indemnification for future expense would be needed. Also, the City Council would like the School District to notify residents in the area about the fireworks display.

> EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:40 p.m. to discuss labor relations and real property transactions under ORS 192.660(d) and (e).

Council reconvened into the Study Meeting at 7:03 p.m.

- > A funeral coach is now part of the Police Department vehicle fleet for use in the DARE program. This donated vehicle will be unveiled soon.
- City Manager Monahan reviewed an invitation to the VisionWest Project, which is the Washington County Visioning Program. The County would appreciate it if a delegation from the City of Tigard attended.
- > Community Development Director Hendryx received a call from Tri Met advising of the unveiling of the Ride Share program on May 24, at 1 p.m. at the transit station. This is also known as the Access to Work Program. Mr. Hendryx requested that City Council members attend if possible.

Councilor Scheckla asked why the bus shelter near Ripley's Furniture store was removed. City Manager Monahan advised he would attempt to obtain information on this matter.

- > City Manager Monahan reported that there was a break-in on May 6, 2001, at the Senior Center. At this time, there is little information available. Mr. Monahan will update the City Council as information is received.
- > City Manager Monahan reported that the City of Tualatin is discussing the idea of an ordinance concerning tobacco use. Mayor Griffith noted that the Oregon Legislature may pass a bill that would not allow cities to pass their own ordinances with regard to tobacco-use restrictions for businesses.

Tualatin Mayor Lou Ogden has requested that communities in this region pass a resolution restricting tobacco use in businesses. After brief discussion, Council consensus was the City of Tigard would not pursue such a resolution at this time. Councilor Scheckla advised he did not want to deal with this issue. Councilor Dirksen concurred with Councilor Scheckla and advised he thought this kind of regulation was outside the purview of the City. Councilor Moore noted that he chooses to patronize businesses that did not promote smoking in the establishment; however, this decision should be left to the business owners.

Mayor Griffith said that he believed the decision of whether or not to allow smoking should be a business owner's decision. Councilor Patton noted that she had mixed feelings because of health concerns, but she would go along with the majority of the Council as she also had a problem with trying to dictate to businesses how they should operate.

Community Development Director Hendryx noted that he thought this type of ordinance would also pose some code enforcement problems.

City Manager Monahan reported to the Council that Community Partners for Affordable Housing (CPAH) comes to the City on an annual basis to request a property tax exemption. A resolution was adopted for this purpose for CPAH earlier this year. When the CPAH obtains approvals of 51% of the taxing entitites, then they become totally exempt from property taxes. The City of Tigard only has the authority to exempt CPAH from Tigard property taxes.

Initially (the first year) CPAH also went to the School and Fire Districts to make a similar request — to be exempt from those taxes as well. CPAH has not had to pay property taxes apportioned to the City, School District and Fire District in subsequent years; however, CPAH has not submitted a new exemption request to the School and Fire Districts for years after the initial request, as they should have done. Staff noted Sheila Fink of CPAH has expressed concerns in that it was her understanding that she only had to make a request to the City of Tigard each year for the exemption. Staff reiterated that the City of Tigard cannot approve exemptions that would absolve CPAH of tax obligations for other entitites. The solution is for Ms. Fink to approach the other two agencies and request the exemption.

Councilor Scheckla asked for an update with regard Chief of Police Ron Goodpaster's recent memorandum concerning issues with Villa La Paz, a CPAH property. CPAH has been working closely with the Police Department to reduce incidents of crime. Chief Goodpaster met with CPAH today. It was noted that when Villa La Paz first was established by CPAH, criminal activity was reduced. The activity has recently increased substantially. Executive Director Sheila Fink was advised that changes are needed to correct issues at Villa La Paz.

> City Manager Monahan distributed a memorandum on police trading cards to the City Council.

> Mayor Griffith noted that he wanted to discuss with the City Council a request by the Tigard Rotary to increase the Balloon Festival Parking fees.

The Study Meeting recessed at 7:26 p.m.

(NOTE: STUDY MEETING WAS RECONVENED AFTER ITEM NO. 10 - NON AGENDA ITEMS)

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council & Local Contract Review Board meeting to order at 7:34 p.m.
- 1.2 Roll Call: Mayor Griffith, Councilors Dirksen, Moore, Patton, and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports

Mayor Griffith noted some follow-up information from a recent Washington County Coordinating Committee meeting. The traffic study for I-217 has received a No. 1 priority ranking and will go forward. This will be of benefit to the Washington Square Regional Plan, which is nearly completed.

1.5 Call to Council and Staff for Non-Agenda Items

City Manager Monahan noted that Agenda Item No. 5, Aquifer Storage and Recovery Feasibility Study Progress Report, will be postponed. It is likely that this item will return to the City Council's agenda in June to give the Intergovernmental Water Board an opportunity to review.

2. VISITOR'S AGENDA

 Mr. Jaime Ramsey, 15367 SW Fir Street, Tigard, Oregon noted a number of questions about the property for Agenda Item No. 8. He noted his confusion with regard to ownership of the property – whether it was owned by the City or by the water entity.

City Manager Monahan clarified that Public Works Director Ed Wegner was authorized by the Intergovernmental Water Board to handle the transaction on behalf of the Water Board. Mr. Ramsey noted that he would like to see the City develop trails and restrict use of the property. The property is zoned R-25. Mr. Ramsey said the neighborhood is concerned.

Mr. Ramsey said he was not notified that this item was on the agenda. After hearing a number of Mr. Ramsey's concerns, Councilor Patton advised Mr. Ramsey that the City Council was not prepared to respond to all of his issues at

tonight's meeting. Through direction by the IWB to the Public Works Director, the Tigard City Council is serving as the agent for the IWB in this transaction. While the City Council is not prepared to address the questions posed by Mr. Ramsey at this meeting, staff and Councilor Patton indicated that they would obtain the information and offered to meet with Mr. Ramsey. After some discussion, it was decided that contact would be made with Mr. Ramsey to set up a meeting to review his issues.

- Gary Parcher, 15362 Fir Tree Drive, Tigard, Oregon, advised he had similar issues expressed by Mr. Ramsey. He indicated he would like to be included in the meeting discussed above.
- Stanley Wood, 16224 SW 113th Avenue, Tigard, Oregon, noted he was concerned about a parking issue on SW 113th Avenue. He said a school bus has parked at this location for several days. When questioned, Mr. Wood indicated he had contacted the Police Department and it appears that a sticker has been placed as notice to the owner on this vehicle. City Manager Monahan explained that there is a requirement for a posting to be done and the registered owner to be notified. It appears that the parking problem with this vehicle is in the process of being resolved. Mr. Monahan said that if this is a continuing problem, perhaps this area should be posted as a "No Parking" area.

3. PROCLAMATIONS:

Mayor Griffith issued the following proclamations:

- a. Police Memorial Day May 15, 2001
- Washington County Cooperative Library Services 25 Years of Service in Washington County – May 25, 2001
- c. National Public Works Week May 20-26, 2001

CONSENT AGENDA:

Motion by Councilor Scheckla, seconded by Councilor Dirksen to approve the Consent Agenda as follows:

- 4.1 Approve Council Minutes: March 13, 20, April 3, and 19, 2001
- 4.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
- 4.3 Initiate a Public Hearing to Vacate a Portion of 67th Avenue -- Resolution No. 23

4.4 Local Contract Review Board

a. Award Construction of the of the Washington Square Treatment Facility to Canby Excavating, Inc.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith - Yes
Councilor Dirksen - Yes
Councilor Moore - Yes
Councilor Patton - Yes
Councilor Scheckla - Yes

5. AQUIFER STORAGE AND RECOVERY FEASIBILITY STUDY PROGRESS REPORT

This item was set over to a Council meeting in June.

- 6. LEGISLATIVE PUBLIC HEARING ZOA 2000-00005 TO ALLOW COMMUNITY RECREATION AS A CONDITIONAL USE WITHIN THE I-P, I-L AND I-H DISTRICT
 - a. Mayor Griffith opened the public hearing
 - b. Staff Report

Associate Planner Duane Roberts gave the Staff Report. The report is on file with the City Recorder. Mr. Roberts noted public input to date. Mr. Roberts recommended the parking standards not be adopted with regard to general recreation; rather that the City Council consider parking standards based on the experience of other cities. Such standards call for five stalls for a one acre or larger area, and three stalls for a one acre or smaller area. Mr. Roberts reviewed the staff report including the Planning Commission's recommendation, and staff response to the recommendation.

c. Public Testimony

• Kathi Steen, 14130 SW 100th, Tigard, Oregon, 97224, advised she was in favor of anything that would make a larger dog park possible. She noted appreciation for the Ash Street park.

Mayor Griffith asked if the Committee was still looking for a dog park area. Property Manager John Roy said yes.

- Aileen Cord, 9770 SW Riverwood, Tigard, Oregon, 97224, noted that she would be grateful if the Council would consider removing the prohibition of community recreation in industrial areas. She said the Committee has found a site that would be feasible. She thanked the Council for the Ash Street park, stating that it has worked well. She noted that one night there were 17 dogs in the park. While the park is too small, she explained that it was a perfect way to "try out" a dog park.
- Christie Smith, 11320 SW Ambiance, Tigard, Oregon, 97223, said
 the Committee has looked at dog parks in neighborhoods, but noted
 this is not an ideal location. Ms. Smith added that a commercial area
 seemed better suited for a dog park because the traffic and noise would
 not infringe on a neighborhood.

Ms. Smith read a letter of support from Paula Walker into the Council record. The letter is on file with the City Recorder.

- Jim Garbarino, 9920 SW Riverwood Lane, Tigard, Oregon, 97224, reported it had been a struggle to find a suitable piece of property for a dog park. The short-term goal of the Committee is to locate a dog park in the industrial park area. The long-term goal, within the next five to ten years, would be to have something bigger and better. Mr. Garbarino said he appreciated the City Council's leadership on the dog park matter. He noted neighborhood sites were not acceptable to neighbors.
- Larry Galizio, 16455 SW 93rd Avenue, Tigard, Oregon, 97224, thanked Duane Roberts and John Roy for working with the Task Force. He noted that many people would like to have a place for their dogs to run. He thought the proposed amendment was a good idea. He advised that a dog park was a nice gathering place for the community.
- Stephan J. Petruzelli, 9980 SW Riverwood, Tigard, Oregon, 97224, had signed in to testify in opposition. He advised Mayor Griffith that he did not wish to testify.
- Fritz Kramer, 9830 SW Riverwood Lane, Tigard, Oregon, stated he
 was saddened that the dogs would not be using the park in his
 neighborhood. He said he enjoyed the dogs and the people coming to
 the area.

Andrew Spiak, 9825 SW O'Mara, Tigard, Oregon, advised that he
goes to the current dog park about four times a week. He noted that
while the park was small, it was a great place for the dogs to interact.
He said the park was a place to meet other people and expressed his
appreciation to the Council.

In response to a question from Councilor Scheckla, Mr. Spiak identified several other dog parks that he was aware of.

- Chris Garsteck, 11774 SW 125th Court, Tigard, Oregon, noted that the dog park was a good gathering place where both dog owners and dogs benefited from the park. She said the park was a place for senior citizens and families to socialize with others.
- Bob Gordon, 13037 SW Ascension, Tigard, Oregon, also noted the positive social aspect of the dog park.
- Jennifer Steen, 14130 SW 100th, Tigard, Oregon, stated that she supported the park.

d. Council Discussion, Questions, Comments

Councilors Moore, Dirksen and Scheckla all gave comments in support of the dog park. In response to a question from Councilor Moore, Mr. Roberts explained the difficulties with the dog park at Cook Park. There is a current intergovernmental agreement regarding setbacks. If Cook Park were to be used, planning and policy decisions on standards would need to be reviewed, along with neighborhood considerations. Mayor Griffith noted that there was an issue with the floodplain at Cook Park.

e. Staff Recommendation

Staff recommended approval of the proposed ordinance amendment as recommended by the Planning Commission and establishment of off-street parking requirements for dog parks.

- f. Mayor Griffith closed the public hearing
- g. Council Consideration

Motion by Councilor Scheckla, seconded by Councilor Patton to adopt Ordinance No. 01- 03

ORDINANCE NO. 01-03 – AN ORDINANCE TO AMEND PROVISIONS OF THE COMMUNITY DEVELOPMENT CODE BY ADOPTING AMENDMENTS TO TABLE 18.530.1 AND SECTION 18.330.050.B.5.B TO ALLOW RECREATION AS A CONDITIONAL USE WITHIN ALL INDUSTRIAL ZONING DISTRICTS AND TO ESTABLISH OFF-STREET PARKING REQUIREMENTS FOR DOG PARKS.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith - Yes
Councilor Dirksen - Yes
Councilor Moore - Yes
Councilor Patton - Yes
Councilor Scheckla - Yes

- 7. INFORMATIONAL PUBLIC HEARING FINALIZE FORMATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 19 SW HUNZIKER STRFFT
 - a. Mayor Griffith opened the public hearing
 - b. Staff Report

Project Engineer Greg Berry gave the staff report, which is on file with the City Recorder. He noted the project was completed 29 percent below the estimate of project cost. With the completion of this project, all properties within the area now have sewer service available.

- c. Public Testimony
 - John Annand, advised that he and his wife are the owners of the subject property at 8260 SW Hunziker Street. He said he was in favor of the Council approving this item so they can proceed with sewer hook-up.
- d. Council Discussion, Questions, Comments

In response to a question from Councilor Scheckla, Mr. Annand noted that he has enjoyed working with the City on this matter.

e. Staff Recommendation

Staff recommended the formation of Sanitary Sewer Reimbursement District No. 19 be approved as modified by the final City Engineer's report.

- f. Mayor Griffith closed the public hearing
- g. Council Motion

Motion by Councilor Moore, seconded by Councilor Dirksen, to approve the formation of Reimbursement District No. 19 as modified by the final City Engineer's report.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith - Yes
Councilor Dirksen - Yes
Councilor Moore - Yes
Councilor Patton - Yes
Councilor Scheckla - Yes

- 8. CONSIDER AUTHORIZING THE SALE OF SURPLUS PROPERTY PURCHASED FOR THE BEVELAND STREET EXTENSION FROM 68TH AVENUE TO 69TH AVENUE, PART OF THE 69TH AVENUE RECONSTRUCTION PROJECT
 - a. Staff Report

City Manager Monahan gave the Staff Report, which is on file with the City Recorder. The proposed resolution would give approval for the staff to proceed with notice and the negotiation of the sale.

- b. Council Discussion, Questions, Comments
- c. Council Consideration

Motion By Councilor Moore, seconded by Councilor Patton to adopt Resolution No. 01- 24

RESOLUTION NO. 01-24 -- A RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY PURCHASED FOR THE BEVELAND STREET

EXTENSION FROM 68TH AVENUE TO 69TH AVENUE, PART OF THE 69TH AVENUE RECONSTRUCTION PROJECT

The motion was approved by a unanimous vote of Council present:

Mayor Griffith - Yes
Councilor Dirksen - Yes
Councilor Moore - Yes
Councilor Patton - Yes
Councilor Scheckla - Yes

9. COUNCIL LIAISON REPORTS: None

10. NON AGENDA ITEMS: None

The Business Meeting adjourned and the Study Meeting reconvened at 8:40 p.m.

> CITY MANAGER REVIEW

This item was set over to the May 15 Council meeting.

> ADMINISTRATIVE ITEMS:

City Manager Monahan reviewed the draft sponsorship agreements. After brief discussion and review, Council directed staff to tailor the agreements to each of the events' needs and concerns.

Paperless Council Packet – City Attorney Ramis reviewed a memorandum from his office, dated May 4, 2001. The paperless Council packet would not affect the process for executive sessions. The practical consideration would be to keep executive session materials separate from the regular meeting items.

Mr. Ramis advised that any notes taken on the electronic copies of the Council agendas are technically a public record. Many notes taken are of an ephemeral nature and have importance for only a very short time.

Mr. Monahan advised that the City of Tigard has been approached by the Salt Lake Olympics Organizing Committee for the Torch Run. The Committee has expressed

an interest in routing the Torch Run through Tigard in January, 2002. After brief discussion, Council consensus was to pursue the idea.

Mayor Griffith reported that he had been approached by a Balloon Festival Committee member and was asked to increase parking fees from three to four dollars. While the City of Tigard does not have the authority to grant an increase, nor does it typically get involved in setting the fees for parking, the Balloon Festival organizers would like the City Council to be aware of their proposal. After discussion, the Council's opinion was if the three dollar parking charge had been advertised, the increase should not occur this year.

Mr. Monahan asked Council about a request from the Growth Management Caucus for a \$2,750 contribution. At present, the Council was not interested in making this contribution.

A second request for a contribution was received from Westside Economic Alliance. The Alliance was looking for funding to conduct a study on the westside economy. After discussion, the Council decided not to contribute.

Mr. Monahan will advise Council of the City's participation in the Westside Transportation Alliance.

Mr. Monahan distributed a request for an increase in rates for the city attorney's office. This item will be placed in the City Council packet next week. Mr. Monahan described the calculation contained in his memorandum, noting that this has been reviewed by Mr. Ramis. Mr. Ramis suggested what could be done to mitigate the impact of the rate increase.

11. Study Meeting adjourned at 9:22 p.m.

Attest:	City Recorder, Catherine Wheatley
Mayor, City of Tigard	
Date:	
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TIGARD CITY COUNCIL WORKSHOP MEETING MINUTES May 15, 2001

WORKSHOP MEETING

- 1.1 Call to Order -Mayor Griffith called the meeting to order at 6:33 p.m.
- 1.2 Roll Call: Mayor Griffith, Councilors Dirksen, Moore, Patton, and Scheckla

Others Present: City Manager Bill Monahan, City Recorder Catherine Wheatley, Assistant to the City Manager Liz Newton, Public Works Director Ed Wegner, Finance Director Craig Prosser, Office Services and Court Manager Nadine Robinson, and City Engineer Gus Duenas.

- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non Agenda Items (See Item No. 10)
- 2. TIGARD MUNICIPAL COURT ANNUAL REPORT AND MEETING WITH JUDGE O'BRIEN

Councilor Scheckla arrived at 6:35 p.m.

Discussion of Photo Radar and Photo Red Light Program

Judge O'Brien reviewed with the City Council the current situation with photo radar. Vendor issues have caused some reconsideration of the implementation date for Tigard. Rather than "piggy-backing" onto previous agreements with other jurisdictions, a whole new contract is under review. It is likely that it will be September before the matter is placed before the City Council. Judge O'Brien noted that as Tigard implements the program, it will have the benefit of the City of Beaverton's experience. Cost issues, including initial capital investment, are being review by the Police Chief.

In response to a question from Councilor Scheckla, Judge O'Brien advised that he was aware of only two vendors for photo radar/red light. Oregon cities utilizing this technology are Beaverton and Portland.

Judge O'Brien discussed the legislation enabling the City of Tigard to participate in the photo radar/red light program. If shown to be effective, this program will probably be applied statewide. Judge O'Brien noted a court case concerning this program and said information on this case could be made available for City Council

review. The case will be going to the Supreme Court when it reviews constitutional issues. Information on this court case is on file with the City Recorder.

Judge O'Brien reviewed the expectations that, when implemented, photo radar would generate 600 more cases a month. The City would need additional court staff. There is some concern that 1,000 cases a month would be needed to become cost effective.

Discussion of Juvenile Caseload

Judge O'Brien explained that juveniles are currently cited into Tigard Municipal Court and Peer Court for minor offenses. The Washington County Juvenile Court has asked the City of Tigard to consider expanding its juvenile caseload since that court often lacks the resources to effectively respond to first offenders. For more detailed information, the Staff Report is on file with the City Recorder.

Discussion followed. A study will be conducted to review the number of cases to be referred. Judge O'Brien's sense was that it would be about 50 cases per month, which he thought would be manageable. Some subsidy for cost of this service would be expected from Washington County. Information from the study should be available around July 1. It is anticipated this item could be before the Council for further consideration in September. Initial comments indicated the City Council was in favor of pursuing this matter, noting the success of Peer Court (low recidivism) and attention to first-time offenders for minor offenses.

3. COMMUNICATIONS UPDATE

Assistant to the City Manager Liz Newton presented the staff report and reviewed the communication tools being utilized by the City of Tigard staff. Detailed information of the City of Tigard communication plan is on file with the City Recorder.

Comments included the following:

- Neighborhood meetings are held with developers for proposed developments. If a developer withdraws or decides not to pursue the project, the neighbors are not notified.
- Press releases are issued each week and the media uses this information most of the time.
- Community Connector releases are issued regularly. Over 900 households in the Summerfield area were recently incorporated into the program.
- Nine individuals are being trained or are in the process of being trained to use the camera equipment for cable television productions.

- Cable television showcase programs for this year are planned for the Library and the 40th Birthday Celebration.
- Suggestion: Include the Budget Committee minutes on the website.
- A copy of the first "Goal Guide" was distributed to the City Council.

4. DURHAM QUARRY UPDATE

Community Development Director Hendryx introduced this agenda item and also distributed information to the City Council. He introduced Larry Eisenberg from Washington County who updated the City Council on the status of the Durham Quarry.

This has been a collaborative process among the jurisdictions of Washington County and the cities of Tigard, Tualatin and Durham.

Mr. Eisenberg recapped the history of this property and the plans envisioned for its future to create a mixed-use, destination development. He also discussed the current high volumes and traffic situation, and described how these issues could be addressed.

Council received information about proposals from "world class developers" from Teresa Wilson, Property Manager for Washington County. A staff recommendation for a developer will be submitted to the Washington County Board of Directors on May 22.

- Russ Rutledge, Tigard High School Envoy, gave his update to the City Council. A copy of his Student Envoy Report is on file with the City Recorder. Mr. Rutledge introduced Mr. Nathan Learny who will be the City Council Envoy for the next school year. It was noted that Mr. Rutledge received the "Community Leader of the Year Award."
- 5. STRATEGIC PLANNING OF FUNDING FOR THE LIBRARY, TRANSPORTATION, RECREATION AND PUBLIC FACILITY NEEDS/GENERAL FUND

City Manager Monahan introduced this agenda item. A copy of the PowerPoint presentation illustrating the highlights of the information offered to the City Council is on file with the City Recorder.

Finance Director Prosser reviewed the financial forecast. City Manager Monahan reviewed the election requirements, potential dates, and "realities."

Discussion followed, with key issues identified (brainstormed) as followed:

- 1. Library
- 2. Transportation

Elements: major collectors; alternatives to Pacific Highway 99

Operations and maintenance of roads

- 3. Local Operating Levies
- 4. Washington Square Implementation

Transportation

Open space

Drainage

5. Recreation

Programs

Facilities

- 6. Water Supply Revenue Bond
- 7. Downtown Redevelopment
- 8. City Facilities

Renovate library building for offices

Renovate City Hall offices

(possibly from funds set aside now for the Library)

Determine whether feasible or desirable to purchase the water building Relocate public works

Determine whether to sell the current Public Works yard

Extend life of police building by utilizing the "Niche" building

9. Parks and Trails

Acquisition

Development

- 10. Sewer Extension Program
- 11. Commuter Rail
- 12. Bus System and Shelters
- 13. Sidewalks
- 14. Annexation Operating and Equipment Costs
- 15. Urban Growth Boundary Expansion
- 16. Social Services
- 17. Affordable Housing
- 18. Population Diversity
- 19. Funding Mechanism for Development Infrastructure
 - Downtown
 - Triangle
 - Washington Square

City staff will review the above list and come back to the City Council at its June 19 workshop meeting with timelines (trigger points) and funding information.

Councilor Patton noted the urgency to move forward on the library in light of the tight timelines.

Council consensus was that the library would be addressed first. Components of transportation could also be addressed as a high priority. The Transportation Financing Strategies Task Force is not ready to make a proposal, according to City Engineer Duenas.

Meeting recessed at 9:17 p.m. Meeting reconvened at 9:21 p.m.

6. REVIEW OF PROPOSED REVISIONS TO TIGARD MUNICIPAL CODE CHAPTER 13.09, REIMBURSEMENT DISTRICTS

City Engineer Duenas reviewed this agenda item. A copy of the staff report and the PowerPoint presentation is on file with the City Recorder.

After brief discussion, Council agreed to the staff recommendations updating the TMC, as outlined by staff:

- Retain the flexibility of the existing ordinance.
- Allow administrative overhead costs to be included in the reimbursement fee.
- Allow the cost of purchasing an easement within the reimbursement district to be included in the reimbursement fee.

Staff will propose an incentive program on June 12, 2001.

7. DISCUSSION OF CITY ATTORNEY RATE INCREASE

City Manager Monahan noted this agenda item was a continuation of the discussion from the May 8, 2001, City Council meeting. A copy of the staff report outlining the rate increase proposed by City Attorney staff is on file with the City Recorder. Staff recommended that the City Council approve the rate increase effective July 1, 2001. Council consensus was for staff to proceed by placing this item on the Council business agenda.

(Note: Item No. 10, Non Agenda Items, was discussed at this time.)

8. CITY MANAGER REVIEW

Mayor Griffith distributed a summary of tabulated results of a performance review form that was completed by the City Council for City Manager Monahan. He advised that, primarily, all areas of performance were commented on favorably. Areas of concern were in "organization and planning" insofar as comments were made that Council members would like to see the City Manager place greater emphasis on long-range planning, with more day-to-day items delegated to the department heads.

Mayor Griffith reviewed each of the evaluation areas. A copy of the tabulated performance evaluation form is on file with the City Recorder.

Communication skills were rated high.

Leadership skills are acceptable. Several Council members noted they would be amenable to the City Manager taking more risks.

Council noted that financially the City is in good shape. The Mayor noted that Finance Director Prosser is doing a good job through the City Manager's guidance.

Job knowledge posed no areas of concern for the Council. The Mayor advised the City Manager that, "You know your job and you do it very well."

Councilor Patton said that overall the City Manager was doing an excellent job. She noted his good skill in selecting employees; that is, hiring the right people for the right job.

Councilor Moore advised that he thought the City Manager was doing a great job and said that Mr. Monahan is easy to work with.

Councilor Dirksen noted that he "took a light hand on this evaluation because of newness." He said he thought the City of Tigard was fortunate to have Bill Monahan as its City Manager. He said he was inclined to disagree with the comment that the City Manager should focus more on long-range planning, saying that he thought this should be a City Council responsibility. Also, he said he wasn't sure if the City Manager should be taking a lot of risks, again noting this may be an assignment for the City Council.

Councilor Moore explained that he would like the City Manager to be aggressive and identify alternatives ("outside the box"). He said it's easier to ask the Manager to pull back rather than to "send out there."

Councilor Scheckla said he did not know if the City Manager should be taking a lot of risks, but agreed he would like the Council to be presented with more options. He said he thinks the City Manager does a great job of keeping the City Council informed and referred to the weekly newsletter. He also said he appreciated the manner in which the City Manager "gets out in the community" and represents the City in a positive light.

City Manager Monahan noted the cost of living allowance is automatically provided for in his contract. This is the last year of a four-year contract. Councilor Moore noted that this contract should be reviewed by the City Council within the next six months.

There was discussion on the City Council setting some goals for the City Manager for the coming year. Councilor Moore suggested the goals then be reviewed on a quarterly basis.

Mr. Monahan will provide additional information for the City Council that will assist in a review of compensation (to be discussed at the next City Council meeting).

City Manager Monahan described a program with the International City/County Management Association (ICMA), known as the Resource Cities Program. ICMA approached the City of Tigard asking if the City would be interested in exporting local government expertise to a locality that needs and desires assistance in building a strong democratic organization. The City Manager explained there might be an opportunity to partner with Washington County to assist Bekasi, Indonesia. Mr. Monahan described the length of the program and the commitment that would be expected of the City. He said this would be an good employment incentive for him and for department heads and other staff members who have "topped out" in their salary range.

Majority Council consensus was that the ICMA program should be investigated further. Comments included that it was a good idea for professional development and also a good way for the City to recognize the contributions of staff. Councilor Scheckla asked for more information noting there might be a perceptual concern in the community if the City asks for more resources while also sending staff out of the country. City Manager Monahan will send additional information to City Council for review.

9. COUNCIL LIAISON REPORTS: None

10. NON-AGENDA ITEMS

The following items were noted:

- The Westside Transportation Alliance Board of Directors list was distributed to City Council.
- A memorandum from City Manager Monahan concerning the Tigard High School Graduation Fireworks was distributed to the City Council. Previously, the School District asked that the City consider placing the graduation fireworks under the City insurance policy. Since that time, the School District has found and purchased insurance for this event. A copy of the memorandum is on file with the City Recorder.
- A memorandum from City Manager Monahan concerning a "smoke-free" ordinance was distributed to the City Council. The City Council, at a previous meeting, indicated it was not interested in pursuing such an

ordinance. Information on how the City of Tualatin is proceeding on this matter was included. A copy of the memorandum is on file with the City Recorder.

- Mr. Monahan advised that Recognition Resolutions will be proposed for:
 - 1) Acknowledgement of 20 Years of Service of the Ramis, Crew, Corrigan and Bachrach law firm at the June 12 meeting
 - 2) Acknowledgement of Tigard High School Student Envoy Russ Rutledge at the June 12 meeting
- Councilor Patton updated the Council about Mr. Jaime Ramsey, who appeared at the City Council Visitor's Agenda on May 8. Mr. Ramsey will be invited to attend an upcoming IWB meeting, after Public Works Director Wegner notifies IWB representatives. This meeting would provide an opportunity for representatives of all jurisdictions to respond to Mr. Ramsey's questions.
- A bus located on SW 113th (and the subject of a Visitor's Agenda issue presented by Mr. Stanley Wood at the May 8, 2001, City Council meeting) was towed off this site today.

(Note: At this time the City Manager's Review, Item No. 8, was conducted)

(14010	At this time the Oity Manager's Neview, Item	110. 0, was conducted)
11.	EXECUTIVE SESSION: Canceled	
12.	ADJOURNMENT: 10:16 p.m.	
Attest	t:	City Recorder, Catherine Wheatley
Mayo	r, City of Tigard	
Date:		

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MEMORANDUM CITY OF TIGARD, OREGON

TO: City Council FROM: Bill Monahan DATE: July 3, 2001

SUBJECT: COUNCIL CALENDAR, July – September 2001

Regularly scheduled Council meetings are marked with an asterisk (*). If generally OK, we can proceed and make specific adjustments in the Monthly Council Calendars.

<u>July</u>		
4	Wed	City Offices Closed – Independence Day
* 10	Tues	Council Meeting - 6:30 p.m.
		Study Meeting - Business Meeting
* 17	Tues	Council Workshop Meeting - 6:30 p.m.
* 24	Tues	Council Meeting - 6:30 p.m.
		Study Meeting - Business Meeting

<u>August</u>		
* 14	Tues	Council Meeting - 6:30 p.m.
		Study Meeting - Business Meeting
* 21	Tues	Council Workshop Meeting - 6:30 p.m.
* 28	Tues	Council Meeting - 6:30 p.m.
		Study Meeting - Business Meeting

September

3	Mon	City Offices Closed – Labor Day
* 11	Tues	Council Meeting - 6:30 p.m.
		Study Meeting - Business Meeting
* 18	Tues	Council Workshop Meeting - 6:30 p.m.
* 25	Tues	Council Meeting - 6:30 p.m.
		Study Meeting - Business Meeting

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7/17/01 - Workshop	7/24/01 - Business TV Craig-Greeter	8/14/01 - Business TV Ron -Greeter
Due: 7/3/01 @ Noon	Due: 7/10/01 @ Noon	Due: 7/31/01 @ Noon
Workshop Topics	Study Session	Study Session
* Councilor MOORE Not Present *	Exec Sess - Labor Relations - Sandy - 15 min	Cludy Dession
1. Aquifer Storage & Recovery & Long-term Water		
Supply - Dennis K - 30 min	Consent Agenda	
2. ROW Vegetation & Sidewalk Maintenance -	Council Goal Update	
John R - 45 min	Award Construction of Bonita Road Sanitary	Consent Agenda
3. Noise Ord Revisions - Dick - 30 min	Sewer Improv -Vannie- LCRB	Updates to Council Groundrules - BLUE
Affordable Housing Permit/Fee Reduction	Award Construction Pavement Major	SHEET SHEET
Village @ WA Sq/ Affordable Housing - Duane -	Maintenance & Crosswalk Lighting -Vannie -	
20 min	LCRB	
5. TMC Update - Discuss Amendments to TMC	Adoption OPEU Labor Agreement -RES -Sandy	
sections 1.01, 1.12, 2.40, 2.44, 2.55.010,	WA Sq Consultant Authorization - LCRB - Jim	
2.60.010 - Cathy - 30 min	City Manager Signs Settlement Agreement w/	
Follow-Up - Strategic Planning - ON HOLD?	Qwest - RES -Craig	Business Meeting
		1. TCBDA EID - PH - ORD - Jim - 1 hr
		TMC Update Public Library M
	Business Meeting	TMC Update - Public Library - Margaret - 5 min
	1. PGE Briefing on Community Surveys - Karen	TMC Update - Exclusion from TPL - Margaret & Ron - 10 min.
	Lee - Craig - 30 min	
	2. Update New Tigard Library Construction Comm-	TMC Update - Purposes for Parking Prohibitions - Ron - 10 min.
	Margaret - 20 min	
	3. Appeal of Blue Heron Park Subdivision - PH -	TMC Update - Revisions to the Noise Ordinance - PH -Jim - 30 min
	RES - Kevin Y- 1 hr	
		TMC Update - Municipal Court - ORD - Nadine
	Finalize Formation Sanitary Sewer District 20-	10 11111)
	Rose Vista - PH -Greg B - 15 min	
	Sale of Surplus Property (Clute Property) - PH -	
	Ed W/Dennis K - 10 min	
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Tigard City Council Tentative Agenda

8/21/01 - Workshop	8/28/01 - Business TV Gus - Greeter	9/11/01 - Business TV -Greeter	
Due: 8/7/01 @ Noon	Due: 8/14/01 @ Noon	Due: 8/28/01 @ Noon	
Workshop Topics	Study Session	Study Session	
Joint Meeting with the Planning Commission	Exec Sess - Labor Relations - Sandy - 15 min	* Councilor PATTON Not Present *	
Regarding WA Sq Reg Center Plan - Julia/Jim -			
45 min		COT BIRTHDAY MEETING	
	Consent Agenda	Consent Agenda	
<u> </u>	· · · · · · · · · · · · · · · · · · ·		
	Business Meeting Business Meeting		
	Update New Tigard Library Construction Comm-	City Vision Update - Loreen - 20 min	
	Margaret - 20 min		
	Vacation of Beveland @ 72nd - QJPH - ORD -		
	Matt - 20 min		
	Solid Waste Rate Adjustment - PH - RES -		
	Tom I - 45 min		
	Transportation Financing Strategies Task Force		
	Initial Report - Gus - 20 min TMC Update - Building Appeals Board - Jim -		
	BLUE SHEET		
	TMC Update - Oversize Load Permits- Ron -		
	BLUE SHEET		
	,		
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7/3/2001 Page 2

AGENDA ITEM#	4.3
FOR AGENDA OF	6/10/01

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Land an	d Water Conservation Grant Progr	<u>cam</u>					
PREPARED BY: Duane Roberts	DEPT HEAD OK	CITY MGR OK					
ISSUE BEFORE THE COUNCIL							
	ISSUE BEFORE THE COUNCI	<u>1117</u>					
Should Council adopt a resolution authorizing the City Manager to submit an application for a Land and Water Conservation Fund Grant as a means of providing needed improvements to Woodard Park?							
STAFF RECOMMENDATION							
Adopt the resolution.							
DIFFORMATION CLIP OF A DAY							

<u>INFORMATION SUMMARY</u>

The Land and Water Conservation Fund is a National Park Service program that passes down federal dollars to the states for the acquisition, development, and rehabilitation of park and recreation areas and facilities. In Oregon, the state Parks and Recreation Department is responsible for the distribution of the federal monies to state agencies and local governments. The program provides up to 50% funding assistance to park providers for land acquisition and outdoor park facilities. Approximately \$776,000 are available to local and county parks providers. Unlike the Local Government Grant Program, land previously acquired cannot be used as match. The application deadline is July 15, 2001. A copy of the grant program announcement is attached.

Public Works and Community Development staff have reviewed potential project proposals for grant funding. In terms of program guidelines and requirements and the advice of state parks staff, a picnic shelter in Woodard Park, a component of the Woodard Park Master Plan, appears to be the project with the best chances of being picked for funding. Therefore, this is the project nominated by staff for City submittal.

If authorized, this will be the fourth park improvement grant the City has applied for this year. One, a Recreational Trail Program grant application, was selected for funding. Two Local Government Grant proposals are pending. A fifth application, a Community Development Block Grant proposal, will be recommended for submittal when applications are accepted later this year.

OTHER ALTERNATIVES CONSIDERED

Do not apply for the grant funds. Adopt a revised resolution.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

Attachment #1 - Woodard Park Site Map.

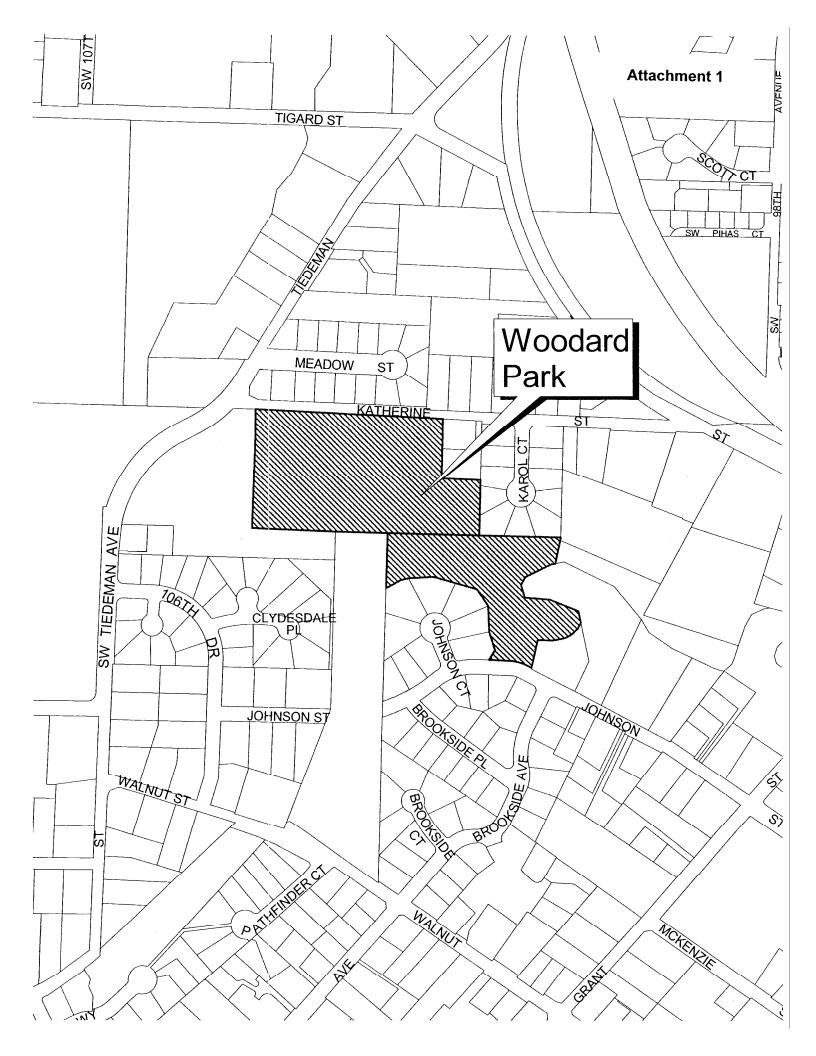
Attachment #2 - Resolution authorizing the submittal of a grant proposal.

Attachment #3 - Land and Water Conservation Fund Program Request for Proposals.

FISCAL NOTES

A 50% local match is required. This may be in the form of hard or in-kind dollars. Match dollars for the proposed project are not specifically identified in the City's proposed 2001-02 budget at this time. They potentially would be available should the Cook Park grant or loan applications be selected for funding. This is because the grant or loan dollars would replace City funds budgeted for the Cook Park improvements. The project cost has not been determined as yet. The grant request will be 50% of the total project cost, but not more than \$50,000.

i/citywide/sum/L&Wgrant



CITY OF TIGARD, OREGON

RESOLUTION NO. 01-

A RESOLUTION AUTHORIZING THE SUBMITTAL OF A LAND AND WATER CONSERVATION GRANT PROPOSAL FOR A WOODARD PARK FACILITY IMPROVEMENT TO THE OREGON PARKS AND RECREATION DEPARTMENT

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the

WHEREAS, the City of Tigard desires to participate in this grant program as a means of providing needed park and recreation improvements and enhancements; and

WHEREAS, the City Council has identified facility improvements to Woodard Park as high priority needs in the City of Tigard; and

WHEREAS, the proposed improvements to Woodard Park include a picnic shelter; and

WHEREAS, the City hereby certifies that the matching shares for these applications are readily available at this time.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

Land and Water Conservation Grant Program; and

Section 1: The City Manager is authorized to apply for a Land and Water Conservation Grant from the Oregon Parks and Recreation Department for a facility improvement to Woodard Park as specified above.

PASSED:	This	day of _	, 2001.	
			Mayor - City of Tigard	
ATTEST:				
City Recorder - City	y of Tigard	<u> </u>		

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Attachment 3



Parks and Recreation Department

1115 Commercial St. NE Salem, OR 97301-1002 (503) 378-6305 EAX (503) 378-6447 www.prd.state.or.us

DATE:

May 31, 2001

RECEIVED C.O.T.

JUN 05 2001

TO:

All Project Sponsors (Applicants)

Administration

FROM:

Marilyn Almero Lippincott

Grants Project Officer

SUBJECT:

Federal Land and Water Conservation Fund Program

Grant Applications

The Oregon Parks and Recreation Department (OPRD) is now accepting grant applications for the federal Land and Water Conservation Fund. Oregon has been appropriated \$1,294,622 for fiscal year 2001. Sixty percent of that amount is available for local government agencies and 40 percent for eligible state agencies. This program uses federal dollars from the Department of Interior, National Park Service, that are passed down to the states for the acquisition, development, and rehabilitation of park and recreation areas and facilities.

We have established the following timeline for this grant cycle:

June 1, 2001

Notification to project sponsors that grant application are

now being accepted.

July 15, 2001

GRANT APPLICATIONS DUE TO OPRD BY 5:00 PM OR

POSTMARKED NO LATER THAN JULY 15, 2001.

August 2001

Technical Review of Grant Applications by OPRD and

National Park Service Staff.

August 2001

Open Project Selection process - Oregon Outdoor

Recreation Committee Prioritization meeting.

September 2001

Project Applications submitted to National Park Service

Office in Seattle for Qualification and Obligation of Federal

Funds. NPS Approval.

September 2001

State/Local Agreements Established

Applications must include the following:

1. Park Acquisition and Development Checklist

2. Grant Application Form

- 3. Estimate of Development Costs and Schedule Form
- 4. Project Sponsor Certification Form
- 5. Civil Rights Assurance of Compliance Form DI-1350
- 6. Certification Regarding Debarment and Suspension Form DI-1954
- 7. Copies of State Natural Resource Agency Reviews & Comments
- 8. Program Narrative
- 9. Environmental Assessment
- 10. Vicinity Map (10 copies)
- 11. Park Master Plan and Project Boundary Map
- 12. Property Deeds/Lease Agreements
- 13. Permits
- 14. Construction Plans and Specifications
- 15. Letter from Local Planning Department

For acquisition projects also include:

- 16. Assessor's Plat Map or Boundary Survey Map (acquisition only)
- 17. Preliminary Title Report (acquisition only)
- 18. Appraisal (acquisition only)

Some important facts to remember are:

- 1. The federal requirements are different from the Local Government Grant Program. Please read instructions carefully.
- 2. Eligible projects include acquisition, development, and major rehabilitation of park and recreation areas and facilities. Projects must be consistent with the outdoor recreation goals and objectives contained in the Statewide Comprehensive Outdoor Recreation Plan and elements of your local comprehensive land use plans and park master plans.
- 3. Maps should be to scale, or show actual dimensions; should be on 8 ½" x 11" paper or 11" x 17"; show all existing facilities, easements, utilities, and new facilities proposed in application; should be color coded for ease of understanding; will be reviewed by the Oregon Outdoor Recreation Committee prior to your schedule presentation. The project boundary map should clearly delineate the park boundary, which is subject to the conversion provisions of Section 6(f)(3) of the L&WCF Act
- 4. Overhead utility lines constitute a major detraction from the natural quality of many outdoor recreation areas and must be eliminated where possible. Reasonable steps should be taken to ensure the burial, screening or relocation of

- 5. overhead lines for development and acquisition projects, where lines visibly intrude on the site's character. All new electrical wires under 15KV, and telephone wires must be placed underground. If existing lines cannot be removed, rerouted or buried, please explain in the program narrative and environmental assessment.
- 6. L&WCF provides up to 50 percent funding assistance. Land previously acquired cannot be used as match.
- 7. Minimum federal share is \$12,500; \$25,000 total project costs.
- 8. All project sponsors must be in compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act of 1990. Please discuss what improvements will be made to meet the accessibility requirements.
- 9. Project sponsors will be assessed an administrative fee for an approved project.
- 10. Within the first year after project approval, the project sponsor must have awarded contracts and/or have completed at least 25 percent of the project.
- 11. No project may begin without authorization from OPRD through a signed State/Local Agreement.
- 12. Projects that do not receive funding may be modified and submitted in another cycle.
- 13. Projects areas and facilities must remain for public outdoor recreation use in perpetuity. Project areas and facilities funded with L&WCF assistance in the past must be in compliance with the L&WCF program.
- 14. Pre-agreement design and engineering costs may be eligible. All other project costs and match must occur within the project period.
- 15. Administrative Rules for the L&WCF program are included in the Grants Manual.

I would encourage those of you that have never applied, to call me if you have any questions or wish to apply for matching grant funds. You can reach me at (503) 378-4168 extension 241 or Glennys Lindsay, Grants Program Assistant, at (503) 378-4168 extension 477. An Oregon Grants Manual and Application Forms for the Land and Water Conservation Fund are now available and will be sent to you upon request. This information is also available on our website at www.prd.state.or.us.

AGENDA ITEM#	4.4
FOR AGENDA OF	7.10.01

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE:	<u>Initiation of Vacation</u>	n Proceedings of SW	Beveland Street	@ SW 72nd	Avenue Public
Right-of-Way (VAC2001-00	0002).	_			
•					

PREPARED BY: Mathew Scheidegger DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the City Council vacate an approximate 11,702 square foot portion of public right-of-way commonly known as SW Beveland Street?

STAFF RECOMMENDATION

It is recommended that Council initiate vacation proceedings by adopting the attached Resolution which sets a formal public hearing date on the vacation for August 28, 2001.

INFORMATION SUMMARY

For the vacation of streets, easements and other public dedicated areas, the City Council begins the process by passing a Resolution to schedule a formal public hearing to consider such requests.

Stoel Rives, LLP, on behalf of Lowe's Hardware (2S101AB-02706 and 2S101AB-02707), Louie A Stober (2S101AB-01604), and Whitethorn, LLC (2S101AB-01900), is requesting that the City Council initiate vacation proceedings for a portion of SW Beveland Street at SW 72nd Avenue. The portion of SW Beveland Street right-of-way that has been requested to be vacated lies to the north of the newly configured SW Beveland Street and to the west of SW 72nd Avenue. The portion of SW Beveland Street right-of-way to be vacated is due to the new alignment of SW Beveland to align directly with SW Beveland Street east of SW 72nd Avenue. If the requested vacation is approved, the vacated land will revert in half-street widths to the abutting property owners to the north located at 2S101AB-01604 and 2S101AB-01900. The new alignment was constructed across tax lots 2S101AB-02705, 2S101AB-02706 and 2S101AB-02707, which are owned by Lowe's Hardware. The purpose for the relocation was to ensure better traffic flow at the SW Beveland/SW 72nd intersection. The land needed for that improvement and the associated right-of-way was dedicated by Lowe's Hardware to the City of Tigard. As a result of the relocation, a small portion of parcels 02706 and 02707 remains to the north of the relocated SW Beveland Street and south of the old right-of-way. The left over portion of land is to be quit-claimed to tax lot 2S101AB-01900 to the north after the old right-of-way for SW Beveland Street has effectively been abandoned.

Appropriate agencies shall be contacted for their comments prior to developing a report for Council consideration.

OTHER ALTERNATIVES CONSIDERED

Take no action at this time.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

<u>Attachments:</u> Attachment 1 – (Letter Requesting Initiation of the Vacation)

Attachment 2 – (Resolution Initiating the Vacation)

Exhibits: Exhibit "A" – (Legal Description)

Exhibit "B" – (Site Plan) Exhibit "C" – (Vicinity Map)

FISCAL NOTES

There are no direct fiscal impacts as a result of this request. All fees have been paid by the applicant.

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STOEL RIVES LLP

Attachment I

ATTORNEYS

STANDARD INSURANCE CENTER 900 SW FIFTH AVENUE, SUITE 2600 PORTLAND, OREGON 97204-1268 Phone (503) 224-3380 Fax (503) 220-2480 1DD (503) 221-1045

Internet: www.stoel.com
May 3, 2001

RECEIVED PLANNING

MAY 1 5 2001

CITY OF TIGARD

FRANK M. FLYNN

Direct Dial

(503) 294-9623

email fmflynn@stoel.com

Mayor Jim Griffitth and City Council Members City of Tigard 13125 SW Hall Boulevard Tigard, OR 97223

Re: Notice of Intent To File and Petition To Vacate a Portion of SW Beveland

Road

Dear Mayor Griffitth and City Council Members:

This office represents Lowe's HIW ("Lowe's" or the "Petitioner") in matters related to its Tigard store. By common agreement, the Petitioner and Whitethorn, LLC ("Whitethorn"), owner of tax lot 1900, and Louie A. and Jessie L. Stober (the "Stobers"), joint owners of tax lot 1604 (Whitethorn and the Stobers collectively, the "Joint Petitioners"), seek to vacate an unused portion of SW Beveland Road abutting their respective ownerships. This letter is a joint petition under the Tigard Municipal Code (the "Code") chapter 15.08 to vacate a portion of the SW Beveland Road right-of-way ("ROW") west of SW 72nd Avenue in Tigard, Oregon.

ORS 271.080(1) establishes that any person interested in any real property in an incorporated city may petition to vacate all or part of a street, avenue, boulevard, alley, plat, public square, or other public place by setting forth a description of the ground proposed to be vacated, the purpose for which the ground is to be used, and the reason for the vacation. The city of Tigard (the "City") has adopted Ordinance 85-01 implementing ORS chapter 271 as it relates to the vacation of streets, ways, public squares, and other public places. Therefore, the Code contains the application requirements and approval criteria relevant to such a vacation petition.

SW Beveland Road west of SW 72nd Avenue has been relocated south to align directly with SW Beveland Road east of SW 72nd Avenue. The new alignment was constructed across tax lots 2S101AB2705, 2S101AB2706, and 2S101AB2707, which are owned by Lowe's. The purpose for the relocation was to ensure better traffic flow at the SW Beveland/SW 72nd intersection. The land needed for that improvement and the associated ROW was dedicated by

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Mr. Matt Scheidegger May 3, 2001 Page 2

Lowe's to the City. As a result of the relocation, the old ROW for SW Beveland Road has effectively been abandoned.

The Petitioner and Joint Petitioners are now applying to the City to vacate a portion of the ROW of SW Beveland Road from approximately 225 feet west of SW 72nd Avenue to its intersection with SW 72nd Avenue. The Petitioner owns tax lots 2S101AB2706 and 2S101AB2707 (lots 30 and 31 in Hermoso Park), which abut the affected section of the SW Beveland Road ROW no longer in use. The new alignment crosses tax lots 2S101AB2705, 2S101AB2706, and 2S101AB2707 and connects with SW 72nd Avenue just south of its former location. The petition will involve two additional abutting property owners: Whitethorn (tax lot 2S101AB1900) and the Stobers (tax lot 2S101AB1604). We understand that, if approved, the vacated land will revert in half-street widths to the abutting property owners.

Applicable Criteria

Evaluation criteria for street vacations are established by ORS 271.080-.230. The City has adopted chapter 15.08 of the Code as the specific provision implementing ORS chapter 271, and therefore the provisions of chapter 15.08 apply to this petition.

Initiation of Vacation

Section 15.08.040 provides:

- "(a) A vacation may be initiated in two ways:
- "(1) Any interested person(s) may file a petition requesting a vacation in the manner provided by this chapter; or
- "(2) The council may make a vacation without a petition or consent from the affected property owners provided:
- "(A) Notice is given as provided by section 15.08.120 of this chapter;
- "(B) The owners of the majority of the area affected computed on the basis of ORS 271.080 have not objected in writing; and

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- "(C) All abutting property owners have consented to the vacation except the city may proceed with the vacation without the consent of the owners provided the city pays damages in situations where the vacation substantially affects the market value of the property.
- "(b) In the event that city owned property abuts an area proposed for vacation, the city administrator shall have the authority to give consent or withhold consent for purposes of initiating the petition."

The Petitioner is the owner of record of tax lots 2S101AB2706 and 2S101AB2707, which abut the portion of SW Beveland Road to be vacated. Hence, the Petitioner is a person interested in real property located adjacent to the subject street vacation and is therefore eligible to initiate the vacation process. The Joint Petitioners are also persons interested in real property adjacent to the subject street vacation and therefore are appropriately named as Joint Petitioners in this request.

Prepetition Conference

Section 15.08.050 of the Code requires that persons interested in submitting a vacation petition make application to the city recorder for a prepetition conference and meet with the recorder, planning director, and public works director in a prepetition conference. Based on a February 20, 2001 telephone conversation with you, we understand that a prepetition conference is not mandatory. For this reason, the Petitioner did not attend a prepetition conference; we have agreed to meet with you to review the complete application package.

Notice of Intent To File Vacation Petition

Section 15.08.060 of the Code requires the interested person to file a notice of intent to file a vacation petition with the recorder. The notice of intent must be accompanied by a fee deposit and a copy of the assessor's map showing the area to be vacated. Upon receipt of this information, the recorder must give the notice of intent to vacate to all utility providers, the county, and other interested parties and will request that all utility providers and interested persons provide a written response within 30 days.

This letter and enclosed exhibits are the Petitioner's notice of intent to file a vacation petition. The required fee deposit is provided as Exhibit C. A map of the area to be vacated is provided as Exhibit F.

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Vacation Petition, Boundaries, and Required Legal Documents

Section 15.08.070 of the Code requires the Tigard public works director to identify the vacated area, affected property owners, and any legal documents required as conditions of approval. The public works director must also provide an estimate of costs, a legal description of the area to be vacated, information relating to the location and names of affected property owners, and any conditions of approval that would be attached to the approved vacation. The recorder is then required to mail the petition form and information compiled by the public works director to all interested parties. These requirements will be addressed during the City's review of the application.

Complete Application

Section 15.08.080(b) of the Code requires the following information be provided to ensure that a petition to vacate is complete:

- "A complete application shall include:
- "(1) A completed petition consenting to the vacation which is signed by all abutting property owners and the property owners of not less than two-thirds of the property affected as provided by ORS 271.080 (2);
- "(2) A fee deposit as required by Section 15.08.160 of this chapter;
- "(3) Each legal instrument required by the director of public works which is signed by all required persons;
- "(4) A certificate showing that all city liens and all taxes have been paid on the land covered by the petition in the case of a vacation of a plat or a portion thereof;
- "(5) A report from a title company indicating the name and address of all persons holding an interest in the abutting property and affected property."

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Signatures of Property Owners

There are four properties (*i.e.*, tax lots 2S101AB1604, 2S101AB1900, 2S101AB2706, and 2S101AB2707) under three ownerships abutting the area to be vacated. The Petitioner owns tax lots 2S101AB2706 and 2S101AB2707, Whitethorn owns tax lot 2S101AB1900, and the Stobers own tax lot 2S101AB1604. The signatures of the three abutting property owners consenting to the vacation are provided as Exhibit A.

A petition to vacate a public street requires the signatures of not less than two-thirds of the property owners affected. See Code § 15.08.080(b)(1). Affected property owners are defined as those owning land lying on either side of the right-of-way to be vacated and extending laterally to the next street serving as a parallel street, but not extending more than 200 feet, and property owners on either side of the street 400 feet beyond the terminus of the portion of the street to be vacated. A map of the affected area for this street vacation and a list of all affected property owners are presented in Exhibits E and F. The affected area contains all or portions of 29 tax lots. Exhibit B contains the signatures of the affected property owners. These signatures represent approximately 68 percent of the property owners within the defined affected area. Hence, Exhibit B demonstrates that the owners of not less than two-thirds of the affected area consent to the requested vacation. Therefore, the City can find that this requirement of section 15.08.080(b)(1) of the Code is satisfied.

Fee Deposit

Exhibit C is a fee deposit of \$1,530, as required by sections 15.08.080(b)(2) and 15.08.160 of the Code.

Legal Instruments

The requirements of section 15.08.080(b)(3) will be addressed following review of the application by the public works director.

Liens and Taxes

Exhibit D includes certificates of city liens and taxes for the abutting properties. There is no indication that the portion of SW Beveland Road to be vacated either is assessed taxes or owes taxes.

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Title Report

Exhibit E is a title report that includes the name and address of persons holding an interest in the abutting properties and properties in the affected area, as required by section 15.08.080(b)(5).

The Petition

Section 15.08.080(c) of the Code provides the following requirements for the petition:

"The petition shall:

- "(1) Set forth a description of the ground proposed to be vacated;
- "(2) State the purpose for which the ground is proposed to be used;
 - "(3) State the reason for the vacation; and
- "(4) Contain the notarized signatures required by ORS 271.080 (2). (Ord. 85-01 §1(Exhibit A(part)), 1985)."

Description of Ground To Be Vacated

The portion of the SW Beveland Road ROW for which vacation is proposed is identified in Exhibit F. The Petitioner and Joint Petitioners request the vacation for those portions of the ROW of SW Beveland Road that abut tax lots 2S101AB1900, 2S101AB1604, 2S101AB2706, and 2S101AB2707. The legal description of the portion of the SW Beveland Road ROW to be vacated is provided as Exhibit G.

Use of Vacated Ground

The vacated land will be kept in private ownership. Lowe's is not aware of any development plans for the vacated land.

Reason for Vacation

When the City authorized development of a Lowe's store at SW 72nd Avenue and Highway 217, it required the relocation of a portion of SW Beveland Road as a condition of approval, to improve the alignment where SW Beveland Road intersects SW 72nd Avenue.

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The land used for construction of the realigned portion of SW Beveland Road was dedicated to the City by Lowe's. When the required relocation was completed, the analogous portion of SW Beveland Road was effectively abandoned as a roadway. The Petitioner and Joint Petitioners now request a vacation for that abandoned portion of SW Beveland Road to return it to private ownership, since the land no longer fulfills a public purpose.

Notarized Signatures

The notarized signatures required by section 15.08.080(c)(4) and ORS 271.080(2) are provided as Exhibits A and B.

Required Reports

Section 15.08.090 requires the planning director and public works director to prepare reports recommending approval or denial of the application to the planning commission. This requirement will be addressed during the City's evaluation of the application.

Planning Commission Review

Section 15.08.100 requires the planning director to submit a report recommending approval or denial to the council. The recommendation must be based on findings of effect on traffic, pedestrian, and bicycle circulation; fire and police service response time; drainage; provision of utilities; compliance with the comprehensive plan; transportation element; and compliance with the capital-improvements program. This requirement will be met by the City during its review of the application.

Concurrent Hearings

Provisions for council hearing dates are provided by section 15.08.110. These requirements will be met by the City as part of its review of the application.

Notice

Section 15.08.120 requires that notice of the public hearing be published in the *Tigard Times* and/or *The Oregonian* once each week for two consecutive weeks before the hearing. It requires that additional notice be posted at or near the end of the proposed vacation in the proposed vacation areas within five days after the first day of publication, which is no less than 14 days before the hearing. The notice must describe the area to be vacated, the date the petition was filed, the name of at least one petitioner, and the date by which written objections may be filed with the recorder. These notice requirements will be addressed following City

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review of the application. The Petitioner will assist the City in completing this requirement as necessary.

Approval Standards

Section 15.08.130(a) provides, in part:

"The council shall hold the public hearing and it shall approve, approve with conditions or deny the petition in whole or in part by ordinance based on findings that:

- "(1) The consent of the owners of the requisite area have been obtained or the provisions of Section 15.08.040(2) of this chapter have been satisfied;
- "(2) Proper notice has been given as required by Section 15.08.120 of this chapter;
- "(3) The public interest will not be prejudiced by the vacation; and
- "(4) A certificate showing that all city liens and all taxes have been paid on the land covered by the petition has been filed with the recorder in the case of a vacation of a plat or a portion thereof."

A public hearing will be scheduled and held as required. Based on information provided in this petition, the council has adequate information to find:

- The consent of the owners of abutting properties and properties located within the defined affected area has been obtained. The required notarized consent of all relevant property owners is provided as Exhibits A and B.
- Proper notice will be provided as required by section 15.08.120 of the Code. The Petitioner has provided as Exhibit E names and addresses of abutting-property owners and owners within the affected area.
- The public interest would not be prejudiced by this vacation. Water and sewer lines in the area to be vacated were abandoned in place. Other utilities (*i.e.*, cable television, telephone, and electric) were relocated along with the new Beveland Road alignment. There is currently a gas line still located in the old

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ROW of SW Beveland Road. The area to be vacated no longer serves several properties that are now accessed from the realigned SW Beveland Road. The new alignment was reconstructed to appropriate construction standards and dedicated to the City, and hence the continuity of transportation service will be maintained.

 There is no indication that the portion of SW Beveland Road to be vacated either is assessed taxes or owes taxes.

Council Findings

Section 15.080.130(b)-(c) of the Code provides the following:

- "(b) The council finding shall be based on:
- "(1) The petition;
- "(2) The public testimony;
- "(3) The recommendation of the planning commission;
- "(4) The report of the public works director;
- "(5) The letters submitted by utility providers and interested parties; and
- "(6) A report by the city engineer regarding payment of taxes, liens, and fees.
 - "(c) The condition of approval may pertain to:
- "(1) The maintenance and use of underground public utilities or service facilities in the vacated portion;
- "(2) Limitations on the use of the area above and adjacent to underground utilities or service facilities;
- "(3) Moving at petitioner's expense the utilities or services either below, on, or above the surface;

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Mr. Matt Scheidegger May 3, 2001 Page 10

- "(4) Construction, extension or relocation of sidewalks and curbs;
 - "(5) Grading or pavement extensions;
- "(6) Dedication for street use of other area in lieu of the area to be vacated;
- "(7) The posting of a performance bond to assure that all work shall be completed; and
- "(8) Any other matter relating to the vacation which is necessary to protect the public or adjoining property owners or to carry out the comprehensive plan."

Requirements of section 15.08.130(b) of the Code will be addressed following council review of the petition, public testimony, recommendation of the planning commission, reports from the public works director and city engineer, and letters submitted by utility providers and interested parties. At that time, the council will approve, deny, or approve with conditions the petition in whole or in part. The conditions of approval, if any, would pertain to the considerations listed in section 15.08.130(c) of the Code.

The information provided by this petition address the City Code and statutory requirements for a street vacation. For this and above-listed reasons, we request that the council approve the petition as a whole. Please contact me at your convenience if there are any questions.

Very truly yours,

Frank M. Flynn

FMF:DLG:ipc:kls

ec: Ms. Kim Hysni

Mr. Steve Gale

Mr. Bill Crocker

Mr. Gary Wood, Whitethorn, LLC

Mr. Jeff Kleinman

Mr. Michael Robinson

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-

A RESOLUTION INITIATING VACATION PROCEEDINGS TO VACATE AN APPROXIMATE 11,702 SQUARE FOOT PORTION OF PUBLIC RIGHT-OF-WAY ON SW BEVELAND STREET AT THE INTERSECTION OF SW 72ND AVENUE.

WHEREAS, the approximate 11,702 square foot portion of the right-of-way had previously been dedicated to the public; and

WHEREAS, SW Beveland Street has been realigned to ensure better traffic flow at the SW Beveland/SW 72nd Avenue intersection; and

WHEREAS, the applicant has requested that the City of Tigard initiate Vacation proceedings to vacate an approximate 11,702 square foot portion of public right-of-way; and

WHEREAS, the said portion of public right-of-way may no longer be necessary; and

WHEREAS, the Tigard City Council finds it appropriate to initiate Vacation proceedings for the requested public right-of-way vacation.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council hereby initiates a request for the vacation of an approximate 11,702 square foot portion of public right-of-way as more particularly described in Exhibit "A" and Exhibit "B" and by reference, made a part hereof.

SECTION 2: A public hearing is hereby called to be held by the City Council on August 28, 2001, at 7:30 PM in the Town Hall at Tigard City Hall, 13125 SW Hall Boulevard, within the City of Tigard, at which time and place the Council will hear any objections thereto and any interested person may appear and be heard for or against the proposed vacating of said public right-of-way.

PASSED:	This	day of	2001.	
A TOTAL COTA			Mayor - City of Tigard	
ATTEST:				
City Recorder	- City of Tigard	1		

RESOLUTION NO. 01-___ Page 1

Griffin Land Surveying

12700 SW North Dakota St. - Suite 180, PMB 216 - Tigard, Or. 97223

Office: (503)579-8503 Fax: (503)579-6823

April 30, 2001

S.W. Beveland Road - Right of Way Vacation Legal Description

A portion of SW Beveland Road as platted in "Hermoso Park", a subdivision filed in Washington County Plat Records, situated in the NE 1/4 of Section 1, T.2S., R1W., W.M., City of Tigard, Washington County, Oregon, being more particularly described as follows:

Beginning at the Southwest corner of Lot 16 of said "Hermoso Park";

Thence Easterly along the North right of way line of said SW Beveland Road to a point 46 feet westerly, when measured at right angles, from the centerline of SW 72nd Avenue;

Thence parallel with said centerline, S 2°33'30" W, 30.17 feet to the centerline of said SW Beveland Road;

Thence continuing parallel with the centerline of said SW 72nd Avenue, S 2°33'30" W, 22.37 feet;

Thence along the arc of a curve concave Westerly, having a radius of 20.00 feet, through a central angle of 22°24'32" (chord bears S 13°45'46" W, 7.77 feet) a distance of 7.82 feet to the South right of way line of said SW Beveland Road;

Thence along said South right of way line, N 81°54'22" W, 150.17 feet;

Thence along the arc of a non-tangent curve concave Northeasterly, radius point bears N 29°27'42" E, 245.00 feet, through a central angle of 9°16'59" (chord bears N 55°53'48" W, 39.65 feet) a distance of 39.69 feet;

Thence along the arc of a reverse curve concave Southwesterly, having a radius of 305.00 feet, through a central angle of 5°35'26" (chord bears N 54°03'02" W. 29.75 feet) a distance of 29.75 feet to a point S 8°05'38" W from the Southwest corner of said Lot 16;

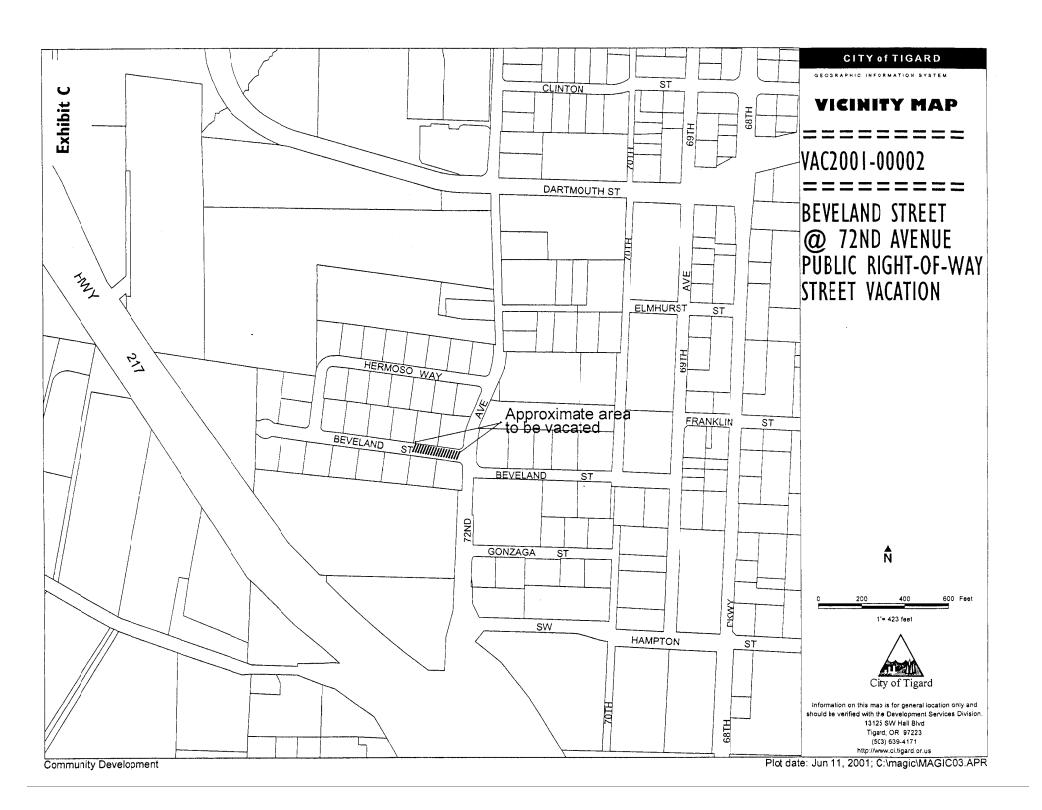
Thence N 8°05'38" E, 28.71 feet to the point of beginning.

Courses in the above description are derived from a Record of Survey prepared in March 2001 by Minister-Glaeser Surveying Inc.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

KENNELD GARGON
JULY 28. 1985
KENNETH D. GRIFFIN
2147

RENEWS 6/35/01



AGENDA ITEM#	
FOR AGENDA OF	July 10, 2001

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE <u>A RESOLUTION AMENDING RESOLUTION 01-33 TO CORRECT THE</u> STATEMENT OF TIGARD'S PERMANENT PROPERTY TAX RATE.
PREPARED BY: <u>Craig Prosser</u> DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Amend Resolution 01-33, which adopted the FY 2001-02 City Budget and authorized the levying of property taxes, to correct the statement of Tigard's permanent property tax rate.
STAFF RECOMMENDATION
Approve the resolution.
INFORMATION SUMMARY
Tigard's permanent property tax rate was initially established by Measure 50 as \$2.5132 per \$1,000 of assessed valuation. This amount was later corrected due to a mathematical error to \$2.5131 per \$1,000. Tigard apparently failed to pick up this correction, and the original amount has been used in the City Budget since FY 1998-99 (the first year that Measure 50 and the permanent rate were in effect). This year, the Washington County Assessor noticed the error and asked Tigard to amend Resolution 01-33, which
adopted the FY 2001-02 budget and authorized the levying of Tigard's permanent property tax rate. With the adoption of this resolution, the rate will be stated correctly as \$2.5131 per \$1,000.
OTHER ALTERNATIVES CONSIDERED
None
VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY
N/A
ATTACHMENT LIST

Resolution

FISCAL NOTES

Tigard's total projected property tax collections in FY 2001-02 are \$8,034,676. This correction reduces that amount by \$340.

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-

A	RESOLUTION	AMENDING	RESOLUTION	01-33	TO	CORRECT	THE	STATEMENT	OF
TI	GARD'S PERMA	ANENT PROPE	RTY TAX RATE	Ξ.					

WHEREAS, Tigard's initial permanent property tax rate established by Measure 50 was \$2.5132 per \$1,000 assessed valuation, and

WHEREAS, this permanent rate was later amended to \$2.5131 per \$1,000, and

WHEREAS, the resolution adopting the annual budget must also authorize levying the permanent tax rate, and

WHEREAS, Resolution 01-33 stated the permanent rate as \$2.5132 per \$1,000, and

WHEREAS, Resolution 01-33 must be corrected to state Tigard's permanent tax rate as \$2.5131 per \$1,000.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution 01-33 is hereby amended to correct the statement of Tigard's permanent property tax rate in the amount of \$2.5131 per \$1,000 of assessed valuation and to authorize the levy of that tax rate.

PASSED:	This	day of	2001.	
				Mayor - City of Tigard
ATTEST:				
ATTEST.				
City Recorder - C	ity of Tigard	d		

ABLE 4a - DETAIL OF TAXING DISTRICT LEVIES Tax Year 2000-01__

County: Washington

1 Taxing District Code	343120000
2 Taxing District Name	City of Tigard

1 Taxing District Code	343120000	
2 Taxing District Name		
3 Joint Counties		
	<i>₹</i>	
	PERMANENT	LOCAL OPTION
	Inside M5 Limit	Inside M5 Limit

Ad Valorem Tax Levies

- 4 Permanent Levy (if dollar amount)
- 5 Local Option Levy (if dollar amount)
- 6 "GAP" Bond Levy
- 7 Urban Renewal Special Levy
- 8 Bond Levy
- 9 TOTAL LEVY (add lines 4 thru 8)

Adjustments

- 10 Amount Raised in Other Counties
- 11 NET LEVY FOR TAX RATE (line 9 minus line 10)

Taxable Property Value

- 12 Total Assessed Value
- 13 Add: Non-Profit Housing Value
- Add: Fish and Wildlife Value
- Subtract: Urban Renewal Excess (amt. used only)*
- 16 VALUE TO CALCULATE THE TAX RATE

Tax Computations

- 17 Tax Rate (line 11 divided by line 16)
- 18 Amount Tax Rate Will Raise (line 16 times line 17)
- 19 Truncation Loss (line 18 minus line 11)
- 20 Total Timber Offset Amount
- Timber Offset Allocated to Other Counties
- Timber Offset Allocated To This County (line 20 line 21)
- 23 Timber Tax Rate (line 22 divided by line 16)
- 24 Billing Rate (line 17 minus line 23)
- 25 Total Extended for District (line 24 times line 16)
- 26 Gain or Loss from Individual Extension
- 27 Compression Loss (Enter as a negative number)
- 28 TOTAL TAXES IMPOSED (line 25+line 26+line 27)

Additional Taxes/Penalties

- 29 Farmland (ORS 308.395, 308.399)
- 30 Forestland (ORS 321.372, 321.825)
- 31 Western Oregon Small Tract Option (ORS 321.760)
- 32 Open Space (ORS 308.770)
- 33 Single Family Residence (ORS 308.685)
- 34 Historic Property (ORS 358.525)
- 35 Other
- 36 Late Filing Fee County Only (ORS 308 302)
- 37 Clerical Error (ORS 311.206)
- 38 TOTAL ADDITIONAL TAXES/PENALTIES (lines 29 thru 37)
- 39 TOTAL TO BE RECEIVED (line 28 plus line 38)
- 40 Percentage Schedule (ORS 311.390)

286,606.00	286,606.00	0.00	0.00	0.00
200,000.00				
3,254,596,701				

"GAP" BONDS OR **UR SPECIAL LEVY** Inside M5 Limit

Outside M5 Limit

286,606.00

286,606,00

TOTAL

0.00

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8,179,	126.41	0.00	0.00	286,406.73	8,465,533.14

0.00	0.00
	0.00
11,021.79	11,021.79
	0.00
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14,444.03	14,444.03

8,179,126.41	0.00	0.00	300,850.76	8,479,977.17
			200 St. 1877 (S)	1 9852280%

^{*} For urban renewal special levies, enter zero on this line: excess value is not subtracted.

AGENDA ITEM#_	
FOR AGENDA OF	July 10, 2001

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: A Resolution waiving the Purchasing Rules 70.020 Screening and Selection Policy for
Personal Services Contracts in relation to the Building Division inspection and plan review contract with Winstead
& Associates and Electrical Inspection Services.
PREPARED BY: Gary Lampella DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Shall Council authorize waiving of the Purchasing Rules 70.020 "Contract Amendments" until such time the Building Division can complete an RFP process for the contracting of certain inspection services.
STAFF RECOMMENDATION
Authorize the waiving of the Purchasing Rules 70.020 and allowing the Building Division to continue contracting with Winstead and Electrical Inspection Services until September 30, 2001 or until such time an RFP process has been completed.
<u>INFORMATION SUMMARY</u>
Beginning in July of 2000 Winstead and Associates and Electrical Inspection Services were hired by the City to provide building inspections and plan review for the Building Division. At that time the intent was to use them only as backup for overflow work. Because of the increase in building activity, current staff was unable to keep up with the heavy workload so the Building Division determined that the City would continue to use Winstead and Electrical Inspection Services. In addition, during the last six months one staff person was absent on administrative leave and two on medical leave. The result is that overall staffing has been reduced to 40% of full staffing level. This necessitates the continued use of contract inspection services. Because of these various factors, staff was unable to initiate and complete the required process as outlined in the City's Purchasing rules. An earlier contract for Winstead in the amount of \$7,500 has been exceeded. Therefore, new Personal Service Contracts with the two vendors need to be initiated and finalized. To date, Winstead & Associates have been paid a total of \$55,121.69 and Electrical Inspection Services have been paid \$23,075.00.

OTHER ALTERNATIVES CONSIDERED

Staff is requesting continued use of these services until September 30, 2001 and not to exceed \$25,000. The Building Division will send out a Request for Proposal at the beginning of Fiscal Year 2001/02 and follow the

Hire additional temporary staff.

correct purchasing process for any additional services they may require.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Exhibit A - Memorandum: Workload Levels and Revenues.

Exhibit B - Resolution

FISCAL NOTES

The budgeted amount for contract inspections for Fiscal Year 2000/01 was for \$30,000. The Building Division, having a dedicated fund, has experienced additional revenue over and above the projected amount. The funds will be covered by the Building Division dedicated funds.



MEMORANDUM

CITY OF TIGARD

"EXHIBIT A"

TO: Honorable Mayor and City Council

FROM: Gary Lampella, Building Official

DATE: June 25, 2001

SUBJECT: Workload Levels and Revenues

The Building Division has experienced a substantial increase in building activity this fiscal year. Inspections have increased 57% over the activity we experienced last fiscal year with a reduction in staff of 1 plans examiner and 1 inspector. Additionally we have had a plumbing inspector absent since January, an electrical inspector absent since April on a medical leave, and a building inspector absent since the first week of May on medical leave. These absences, coupled with our staff reduction of last year, has reduced the plan review and inspection staff from 9 FTE to 4 FTE. As a result, the Building Division has had to rely on contractual services in order to maintain an acceptable level of service. In addition to contract inspectors, the commercial plans examiner has been spending approximately 50% of his time performing field inspections. With increased inspection activity, the plan review has increased accordingly and the turn around time for review has increased.

The Building Division has dedicated funding that supports its activity and financial functions. The total projected revenue for this fiscal year was approximately \$1.46 million. As of June 22, 2001 the division has collected in excess of \$2.26 million in revenue. This results in an increase of 55% over and above projected revenues for the year and 75% over last fiscal year revenues, so the Building Division revenue funds are in excellent condition. The increase in contractual services would be paid from this revenue source and there would be no impact on the General Fund.

We have filled the vacated pluming inspector position and have hired a temporary inspector to help with the workload. It is unknown at this time whether the 2 employees on medical leave will return to full-time status. This still results in an understaffing level with the current building activity.

The maximum number of inspections per day per inspector should be 15 or 16. Currently they are averaging over 20, and sometimes more. Inspectors are more apt to miss something during an inspection carrying this heavy of workload. This is not what the Building Division would encourage.

The Building Division will more than likely require contract inspection services until at least the end of summer in order to maintain service levels and reduce the workload of existing staff.

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-___

A RESOLUTION WAIVING THE PURCHASING RULES 70.020	SCREENING	AND SELEC	CTION
POLICY FOR PERSONAL SERVICE CONTRACTS IN RELATION	ON TO THE BU	UILDING DIV	ISION
INSPECTION AND PLAN REVIEW CONTRACT WITH W	INSTEAD & A	ASSOCIATES	AND
FLECTRICAL INSPECTION SERVICES			

WHEREAS, the increased building activity and staff shortages have created the need for additional contract inspection services;

WHEREAS, the City began utilizing the services of Winstead & Associates and Electrical Inspection Services to provide inspection services due to the increased need without completing a formal Request for Proposal;

WHEREAS, City Purchasing Rules require a formal bid process for any services over \$25,000;

WHEREAS, the Building Division will continue to need to contract for temporary inspection services until such time a contract(s) has been awarded;

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council setting as the Local Contract Review Board authorize the waiving of the Purchasing Rules 70.020 and allowing the Building Division to continue contracting with Winstead and Electrical Inspection Services until September 30, 2001 and not to exceed \$25,000, or until such time an RFP process has been completed.

PASSED:	This	day of	, 2001.	
			Mayor - City of Tigard	
ATTEST:				
G! P 1 G				
City Recorder - C	ity of Tigard			

AGENDA ITEM#	4.7
FOR AGENDA OF	7/10/2001

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of Personal Computer Bids
PREPARED BY: Paul de Bruyn DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Award contracts to the top four successful bidder computer vendors.
STAFF RECOMMENDATION
Award contracts to Computer Technology Link, Caliber Computer Corp, Northwest Computing and Precision Computers. Awarding contracts to multiple vendors gives us the ability to order equipment from a secondary vendor should the primary vendor fail to meet city requirements at any time.
<u>INFORMATION SUMMARY</u>
The City of Tigard has had a personal computer contract with 3 vendors since July 1998. Most computers have been purchased from Caliber Corp. We are satisfied with their performance and we will continue to purchase from them in addition to the other three vendors. Although low price by itself was not the deciding factor, three of the four successful vendors were in the lowest five bidders. The fourth successful bidder ranked eighth in price. Other factors, such as service, responsiveness, warranty and delivery contributed to the final ranking.
OTHER ALTERNATIVES CONSIDERED
Although all eighteen vendors might be able to satisfy the city's requirements, when we factored in measurements other than cost, the selected four bidders were deemed the best choice for the city. We intend to purchase computer equipment from each of these four successful vendors and they will be compared to each other to determine the primary cost effective vendor for the city.
VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY
N/A
ATTACHMENT LIST
Provide description of attachments
FISCAL NOTES

The funds for this are already budgeted and approved.	There is no need for additional funding.

FNAL RANKING OF VENDORS

	Price	Supplied Docs Y/N	Two Contacts	Three Refs	Delivery Date	Annual Revenues	Years Longevity	Warranty 4 Hours	Warranty 48 Hours	Warranty	Warranty 2 Years	Warranty 3 Years	Turn Around	Quality	Resident	Toatl Points	Ranking
Computer Technology	1	8 4	١ :	3 :	3 1	5 8	3 2)	, , , , ,	1 10013	3	n		24		2 1
Caliber	1	6 4	} 3	3 :	3 10) 9) 3				,	, 1	0		25 I		
Cadan	1	7 4		3 :	3 9	9 3						,	2	0	18		0 2
Northwest	2	0 () 3	3	3 14	1 0	, ,	,	, ,	, 2		2	2	0			3 5
Precision	1	3 4		3	3 10	, ,				, ,				0	22		5 3
Aztek	1	1 0) () (13			à		, ,				0	21		4 4
Aspect	14	4 4	· c		3 10	_						,	2	0	11		5 16
Comuter Services	1:	2 4	. 3		3 12		, ,					,	J	U	17		5 6
I-Net	1:	5 0			3 13	-	. 0					,	J		16		3 7
Optec	- 1	3 0			3 5							,)	_	15		9 9
Compucom					11	1 10			' 0) ')		14 (6 10
Shea	19				, ,	, ,			0	, ,	') ()		13 (4 11
Comark			3		, ,	, ,		1	1	0	' ') ()		23 (3 8
Konica	1.	, o	3		, ,	, ,	. 5	0	0	0	' () ()	1	12 (2 12
Datec	10	, ,			, ,	, ,	0	U	0	0	' () ()	0	11 (3	7 17
Cascade-1	,		0) 10	, ,	0	0	0	0) ()	0	10 (3	0 18
Cascade-2			0			0	0	0	0	0	•) ()	0	21	l 4	1 13
DakTech		, ,	0	3	5 9	0	0	0	0	0	() ()	0	20 ·	1 3	9 14
Cascade-3			3	3		5	1	0	0	1			1	0	9 () 2	7 19
	-	. 0	U	3	9	0	0	0	0	0	() ()	0	19	1 3	7 15

COMPUTER VENDOR EVAULATIONS

PRICE

Northwest Micro Technologies \$756 plus \$99Win = \$855

Shea Technologies \$738 Plus \$40 for 3Com, plus \$95 for WinSE = 873

Computer Technology Link \$788 plus \$89Win= \$877

CaDan Corporation \$786 plus \$95Win = \$881

Caliber Computer Corp \$803 plus \$95Win = \$898

I-Net Consultants \$932 includes Win98

Aspect Computer Corp \$948 includes Win98

Precision Computers \$966 includes Win98

Aztek \$974 includes Win98

Computer Service \$972 plus \$98Win98 = \$1070

Konica Computer Solutions \$983 plus \$95WinSE = \$1078

Datec, Inc \$1034 plus \$95WinSE = \$1129

Comark \$1043 plus \$95 WinSE = \$1138

Optec \$1154 plus \$40 3Com = \$1199

Cascade Computer Maintenance \$1310

Cascade Computer Maintenance \$1390

Cascade Computer Maintenance \$1460

Compucom \$1518 plus \$40 3Com,\$95 win=1653

Daktech, Inc \$1836 plus \$95Win, \$23 M/S KB=\$1954

SUPPLIED EQUIPMENT DOCUMENTATION

Computer Technology Link	Yes
CaDan Corporation	Yes
Caliber Computer Corp	Yes
Aspect Computer Corp	Yes
Precision Computers	Yes
Computer Service	Yes
Northwest Micro Technologies	No
Shea Technologies	No
I-Net Consultants	No
Konica Computer Solutions	No
Datec, Inc	No
Comark	No
Optec	No
Cascade Computer Maintenance	No
Cascade Computer Maintenance	No
Cascade Computer Maintenance	No
Compucom	No
Daktech, Inc	No
Aztek	No

GAVE TWO CONTACTS

Compucom

Aztek

Northwest Micro Technologies	Yes
Computer Technology Link	Yes
CaDan Corporation	Yes
Caliber Computer Corp	Yes
Precision Computers	Yes
Computer Service	Yes
Konica Computer Solutions	Yes
Comark	Yes
Optec	Yes
Daktech, Inc	Yes
Shea Technologies	No
I-Net Consultants	No
Aspect Computer Corp	No
Datec, Inc	No
Cascade Computer Maintenance	No
Cascade Computer Maintenance	No
Cascade Computer Maintenance	No
C	N.T.

No

No

GAVE REFERENCES

Northwest Micro Technologies	Yes
Computer Technology Link	Yes
CaDan Corporation	Yes
Caliber Computer Corp	Yes
I-Net Consultants	Yes
Aspect Computer Corp	Yes
Precision Computers	Yes
Computer Service	Yes
Konica Computer Solutions	Yes
Comark	Yes
Optec	Yes
Cascade Computer Maintenance	Yes
Cascade Computer Maintenance	Yes
Cascade Computer Maintenance	Yes
Compucom	Yes
Daktech, Inc	Yes
Shea Technologies	No
Datec, Inc	No
Aztek	No

DELIVERY DATE

4 to 5
5
5
5
5 to 7
5 to 7
7
7
7
7
10
10
10
10
10
10
10

Optec Will try to meet 10
DakTech Not Answered

RANK BY REVENUE

Communican	\$2.7 Billion
Compucom	
Caliber Computer Corp	\$200 million
Computer Technology Link	\$60 million
Aspect Computer Corp	\$55 million
Optec	\$20 million
Daktech, Inc	\$12 million
Precision Computers	\$11 million
CaDan Corporation	\$8 million
Computer Service	\$1.3 million
I-Net Consultants	0
Konica Computer Solutions	0
Datec, Inc	0
Comark	0
Cascade Computer Maintenance	0
Cascade Computer Maintenance	0
Cascade Computer Maintenance	0
Northwest Micro Technologies	0
Shea Technologies	0
Aztek	0

Rank by Longevity

Comark	24 years
Optec	17 years
Northwest Micro Technologies	14 years
Caliber Computer Corp	14 years
Precision Computers	14 years
Compucom	14 years
Computer Technology Link	12 years
Daktech, Inc	11 years
Aspect Computer Corp	10 years
CaDan Corporation	9 years
Computer Service	8 years
Shea Technologies	0
I-Net Consultants	0
Konica Computer Solutions	0
Datec, Inc	0
Cascade Computer Maintenance	0
Cascade Computer Maintenance	0
Cascade Computer Maintenance	0
Aztek	0

RESIDENT CORPORATION

Northwest Micro	Yes
CTL	Yes
Precision	Yes
Computer Services	Yes
Cascade	Yes

Shea No I-Net No Konica No Datec No CaDan No Aspect No Comark No Optec Compucom No No DakTech No Aztek No

WARRANTY- 4 HOURS

Shea \$59

Northwest \$85 per hour

CaDan \$125 per hour

CTL \$45

Caliber \$20

Inet \$95

Aspect – not specified

Precision - \$25 per call

Computer Services - \$47 per hour

Konica – n/a

Datec n/a

Comark n/a

Optec n/a

Cascade \$285 per 3 years

Compucom \$272 for 3 years

Daktec n/a

Aztek N/A

WARRANTY – 48 HOURS

Shea \$39

Northwest \$85 per hour

CaDan \$85 per hour

CTL \$25

Caliber \$20

Inet \$55

Aspect - not specified

Precision \$48 per year

Computer Services \$62 per hour

Konica \$115 per 3 years

Datec n/a

Comark n/a

Optec n/a

Cascade \$214 for 3 years

Compucom \$108 3 years

Daktech n/a

Aztek \$92.70 3 years

WARRANTY – 1 YEAR

Shea Std

Northwest - \$48

CaDan Included

CTL inc

Caliber inc

Inet inc

Aspect - inc

Precision - \$48 per year

Computer Servcies – Inc

Konica - \$115

Datec n/a

Comark inc

Optec inc

Cascade inc

Compucom mfg spec

Daktech 7 year parts

Aztek 3 year

WARRANTY - 2 YEARS

Shea n/a

Northwest n/a

Cadan Included

Ctl INC

Caliber inc

Inet Cost plus 20%

Aspect n/a

Precision - \$48 per year

Computer services - \$100 per year

Konica \$115

Datec n/a

Comark inc

Optec 3 year part, 1 year labor

Cascade inc

Compucom mfg spec

Daktech 7 year parts

Aztek 3 year

WARRANTY - 3 YEARS

Shea \$20 depot

Northwest \$95

Cadan included

Ctl inc

Caliber n/a

Inet Cost plus 30%

Aspect n/a

Precision - \$48 per year

Computer services \$100 per year

Konica \$115

Datec n/a

Comark inc

Optec – 3 year parts, 1 year labor

Cascade inc

Compucom mfg spec

Daktech 7 years parts

WARRANTY TURNAROUND TIME

Shea 10 days

Northwest n/a

Cadan 10 days

Ctl 3 days

Caliber 7 days Inet 2 days

Aspect 5 days

Precision – 2 days Computer services 3 days

Konica 21 days

Datec 2 days Comark 1 day

Optec – n/a Cascade 5 days

Compucom 5 days

Daktech 10 days

Aztek 5 days

NOTES ON EACH VENDOR'S PROPOSAL

Shea Technologies

No references

No manuals

No Windows price specified

No 3Com card – add \$40

No second contact name

Resident = no

No revenue

No longevity

No price for WinSE – Add \$95

Delivery date - 10

Northwest Micro

Not sure how much to add for Win98 - \$48??

Resident=Yes

Gave refs, two contacts

No manuals

No revenue, 14 years

Delivery 5

CaDan

Plus \$95 for WindSE

Gave two contacts, gave 3 refs

Included manuals

Revenue = \$8 million

Longevity= 9 years

Resident = No

Delivery 10

CTL

Add \$89 for WinSE

Bid on-board Intel Enet, no instructions to turn off

Gave longevity, \$60 million

Gave refs and two contacts

Resident=yes

Delivery 4 to 5

Caliber

Add \$73 for WinSE

Included manuals

Resident=no

Revenue = \$200 million

Longevity = 14 years

Delivery-7

I-Net

Add \$99 for WinSE

Gave refs

Resident=no

No Revenue

No Longevity

No Manuals

No Two contacts

Delivery - 5

Aspect Computer

Resident= No

Revenue = \$55 mill

Longevity=10 years

Gave refs

Price includes WinSE

No two contacts

Delivery 7

Precision

Gave references

Revenues = \$11 million

Longevity = 14 years

Gave three contacts

Price includes WinSE

Gave manuals

Delivery 7

Computer Services

Longevity = 8 years

Revenue = \$1.3 million

Gave two contacts

Resident = Yes

Gave refs

Gave manuals

Onboard Enet, no turn off instructions

Delivery 5 - 7

Konica

Gave two contacts

Gave Refs

No longevity

No revenues

No manuals

Resident = no

Delivery 10

Datec

No references

No contacts

No manuals

No longevity

No revenue

No resident

Delivery 7

Comark

Non ATI video

Gave two contacts

Resident = no

No revenue

Longevity = 24 years

No manuals

Not enough copies

Delivery 10

Optec

Non ATI video

Gave refs

Longevity= 17 years

Revenue = \$20 million

Compaq Deskpro bid

No manuals

Gave contacts

Resident = No

Integrated enet =no directions

Delivery – try for 10

Cascade 1,2 and 3

Gave refs

No contacts -

No revenues -

No longevity

No resident

No Manuals

Delivery 10

Compucom

Longevity = 14 years

Revenues = \$2.7 Billion

Non ATI video

Compaq equipment

No 3com

No win98

No contacts

Resident = no

No manuals

Delivery 5 - 7

DakTech

No enough copies

Non Microsoft keyboard

Gave contacts

Longevity = 11 years

Revenues = \$12 million

Resident = no

Gave references

No manuals

Delivery - Not specified

Aztek

3 copies

non-microsoft mouse

No contacts

No longevity

No revenue

Resident = no

References = no

No manuals

Delivery - 5 days

Quality of equip & serv - 25 Refs - 10 Price - 20 Del date - 15 Warnty - 15 Complete and follow instruc - 10 Longevity - 5

AGENDA ITEM#	4.8
FOR AGENDA OF	July 10, 2001

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Property Acquisition for Burnham Street Improvements

PREPARED BY: A.P. Duenas DEPT HEAD OK: A.P. Duenas CITY MGR OK: Bill Monahan

ISSUE BEFORE THE COUNCIL

Shall the City Council approve acquisition of the property owned by Gerald C. Cach and Nicolas Capistrano, a portion of which is needed for the Burnham Street improvements?

STAFF RECOMMENDATION

The staff recommends that City Council, by motion, approve the acquisition of the Cach and Capistrano property to allow for future improvements of Burnham Street between Main Street and Hall Boulevard. Staff further recommends that City Council authorize the City Manager to execute the Purchase and Sale Agreement and make the payment to acquire the property.

INFORMATION SUMMARY

The existing Burnham Street is a Major Collector that runs in a southeasterly direction and connects Main Street and Hall Boulevard. The street currently is of substandard width with a pavement surface that is incapable of accommodating current and future transportation needs. Various segments of the street have no sidewalks and certain areas offer narrow shoulders forcing pedestrians to walk along the edge of the travel lanes. The street requires reconstruction and widening to meet major collector standards. The current public rights-of-way that vary between 40 feet and 60 feet will need to be expanded to accommodate the widening.

In the City Council meeting on February 22, 2000, City Council awarded a contract to CIDA, Inc. to provide the engineering design and right-of-way acquisition services for the project. The project design includes upgrading of the existing utilities and reconstruction and widening of Burnham Street to enhance the safety of both motorists and pedestrians. The design of the project is about 70% complete and the rights-of-way have been identified for acquisition.

A portion of Tax Lot 2S102AB05100 (see attached vicinity map for location of property) is needed to accommodate the proposed improvements. There is an existing house on the property which is currently being leased on a month-to-month basis to a construction contractor. The porch on the existing house protrudes into the proposed sidewalk area. However, it is an open porch and can be removed without compromising the structural integrity of the building. The City contracted with Day Appraisal Company,

Inc. to prepare an appraisal report for the property. During the process of negotiation, the property owners offered to sell the entire lot to the City for an amount that is within the range of market value for the property. It is possible to acquire a strip along the front sufficient to allow for the expansion of the street and construction of the sidewalk. Acquisition of the strip would require removal of the porch and restoration of the side of the existing building. However, the offer to sell by the owners of the property presents an opportunity for the City to purchase the entire lot, dedicate the strip necessary for the project, consolidate the remainder of the property with the recently purchased adjacent lot, and eventually sell the consolidated parcel to a developer that could enhance the Tigard downtown area.

The preliminary findings from the Phase 1 Environmental Site Assessment, which is being performed by Hahn and Associates, Inc., indicates that while there are environmental issues in the surrounding area, there is no evidence of recognized environmental conditions in connection with the subject property that would necessitate further environmental investigation. The written report is now being prepared.

The owners of the property have agreed to settle matters with the current tenant and ensure that the property is vacated prior to the closing date for the purchase. The Purchase and Sale Agreement requires that the property and all the premises must be vacant and ready for exclusive possession by the City no later than October 1, 2001. Therefore, there are no relocation costs associated with the purchase. The conditions of the sale include granting of an easement immediately adjacent to the easterly property line for access to a landlocked parcel immediately north of the subject lot. The existing building can be available for use by the City until such time as demolition and removal becomes necessary. At some point in the future, possibly prior to sale of the remainder of the property, removal of the building may become necessary.

OTHER ALTERNATIVES CONSIDERED

Acquire only the strip of land needed for the street expansion, and pay the costs for removal of the existing porch and restoration of the side of the building.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

This project meets the Tigard Beyond Tomorrow Transportation and Traffic Goals of "Improve Traffic Safety".

ATTACHMENT LIST

- Vicinity map showing the location of the property.

FISCAL NOTES

This project is funded in the FY 2001-02 CIP using Traffic Impact Fee funding in the amount of \$300,000 for design and right-of-way acquisition. There are sufficient funds in the project account to purchase the property.

Vicinity Map Cach & Capistrano Property Main Acquisition Burnham Street 2\$102AB05100 Cach & Capistrano **Property**

AGENDA ITEM#	4.9
FOR AGENDA OF	July 10, 2001

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approve Addendum to City Manager's Contract
PREPARED BY: Bill Monahan DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Should the Council approve the proposed addendum to the employment agreement for City Manager Bill Monahan?
STAFF RECOMMENDATION
Approve the proposed addendum.
<u>INFORMATION SUMMARY</u>
During the recent performance evaluation of City Manager Bill Monahan, Council directed that an addendum to the employment agreement be prepared for its consideration. The amendment reflects a modification to Section 4D, Vacation, of the agreement and becomes effective as of May 15, 2001.
OTHER ALTERNATIVES CONSIDERED
N/A
VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY
N/A
ATTACHMENT LIST
Addendum to Employment Agreement
<u>FISCAL NOTES</u>

I:\ADM\CITY COUNCIL\COUNCIL AGENDA ITEM SUMMARIES\CITY MANAGER CONTRACT ADDENDUM.DOC

N/A

ADDENDUM TO EMPLOYMENT AGREEMENT

The EMPLOYMENT AGREEMENT between the CITY OF TIGARD and WILLIAM A. MONAHAN was most recently revised on July 10, 1999. The term of the contract runs through May 15, 2002.

During the annual performance review conducted by the City Council, Council agreed to modify Section 4 of the Agreement, "Salary, Hours of Work, Vacation and Sick Leave." Specifically, the modification is to SECTION 4D. <u>Vacation</u>. The language reads as follows:

"Vacation: The CITY grants the EMPLOYEE vacation benefits at the rate of accrual for an employee with twenty (20) years of service effective May 15, 2001. EMPLOYEE is subject to the same accrual limits as other management employees, to be used as he deems appropriate."

IN WITNESS WHEREOF, the Cl	ITY OF TIGARD, OREGON, has caused this
ADDENDUM TO AGREEMENT to be	signed and executed and EMPLOYEE has signed
and executed this ADDENDUM TO AG	GREEMENT, both in duplicate, the
day of July, 2001.	
Mayor, City of Tigard	William A. Monahan, EMPLOYEE
ATTEST: City Recorder	APPROVED AS TO FORM
	City Attorney

H:\DOCS\PERFORMANCE\2001\MONAHAN ADDENDUM TO EMPLOYMENT AGREEMENT.DOC

AGENDA ITEM#	5
FOR AGENDA OF	7/10/01

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Adjustment of fee for liquor license application processing
PREPARED BY: Capt. Gary L. Schrader DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Should the Council adjust the fee for liquor license application processing
STAFF RECOMMENDATION
Adopt a resolution adjusting the fee for liquor license application processing to the maximum allowable under ORS 471.166 (\$25.00), without approval from the OLCC
<u>INFORMATION SUMMARY</u>
Effective January 1, 2001, ORS 471.166 limits the amount local governments can charge for processing liquor license applications without approval of the Oregon Liquor Control Commission (OLCC). The City of Tigard fee schedule for processing such applications exceeds the amount authorized under the statute.
Tigard Municipal Code 3.32.030 (b) limits the rate for fees and charges to the reasonable costs for the service or services provided. Costs for processing liquor license applications under the new rules adopted by OLCC do not exceed the \$25.00 maximum allowable under the statute.
OTHER ALTERNATIVES CONSIDERED
Conduct public hearings under ORS 471.166 (8) to adopt licensing guidelines to be followed in making recommendations on license applications and to allow opportunity for public comment on applications.
Current processing meets the City's needs in reviewing liquor license applications. Implementation of a public process for comment on establishing new guidelines and review of applications will increase costs and place an additional burden on the Council and staff.
VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY
N/A
ATTACHMENT LIST

ORS 471.166 TMC 3.32.030

Letter from	Oregon	Liquor	Control	Commission,	dated	October	5,	2000

FISCAL NOTES

Minor reduction in revenues. Exact cost is unknown.

CITY OF TIGARD, OREGON

					FOR LIQUOR LICENS LISHD IN RESOLUTIO	
WHEREAS, the	fee for liqu	or license application	ns is set by	resolution; and		
WHEREAS, it h ORS 471.166	as been de	termined that an adj	justment in	the fee schedule is o	desireable to comply w	ith
NOW, THEREFO	ORE, BE I	TRESOLVED by the	e Tigard Ci	y Council that:		
SECTION 1:	The fee s	chedule for liquor lic	cense applic	ations shall be \$25.00)	
EFFECTIVE DA	TE: July 1	, 2001				
PASSED:	This	day of		_ 2001.		
ATTEST:			Mayor	- City of Tigard		
City Recorder - C	City of Tiga	rd				



October 5, 2000

CONTROL COMMISSION

City of Tigard Attention: Liquor Licensing 13125 SW Hall Blvd Tigard, OR 97223

Legislative changes to OLCC licenses and processes that affect cities and counties

The 1999 Oregon Legislative Session passed House Bill 2892, which made significant changes to the licenses issued by the OLCC, and to the processes that cities and counties use to make recommendations on liquor license applications. These changes are effective January 1, 2001, with the exception of changes to the license types for existing licensees. Existing licenses will be converted to the new license types during the 2001 license renewal cycle. This letter summarizes the changes that impact local governments, and outlines how the OLCC plans to implement these changes.

Changes to Liquor License Types

The new laws consolidate 12 existing retail license types into three new licenses, and creates a Temporary Sales license for special events. The license changes are:

Full On-premises sales license- allows the sale of distilled spirits, malt beverages, wine and cider for consumption at the licensed business. This license also allows private catering if the applicant receives OLCC pre-approval. Replaces: Dispenser Class A, Dispenser Class C, Seasonal Dispenser, Caterer, Dispenser Class B, Tour Boat, Annual Community Event Dispenser, Hotel Dispenser, Special Event Dispenser.
Limited On-premises sales license- allows the sale of malt beverages, wine and cider for consumption at the licensed business, and the sale of kegs of malt beverages to go. Licensees can catering of small scale and large scale private events if they have pre-approval from the OLCC. Replaces: Railroad Passenger Carrier or Boat, Restaurant, Retail Malt Beverage.
Off-premises sales license- allows the sale of malt beverages, wine, and cider to go in sealed containers. Replaces: Package Store.
Temporary sales license- allows the sale of distilled spirits, malt beverages, wine and cider for consumption at the licensed event, for events lasting up to 5 days. Fees are \$20 for events

Collection of renewal fees, notification to local government: Beginning with the District 2 renewals, the OLCC will notify applicants of the license application or processing fees required by their local government. The applicant must certify in the application that they have paid the fees as required. Approximately 40 days after the licenses expire in a renewal district (licensees can apply for renewal up to 30 days after the expiration of their license, and we must allow mailing and processing time) the OLCC will post a list of licensees who were renewed in that district on the Regulatory pages of the OLCC web site at www.olcc.state.or.us. Local governments can check this site beginning May 14, 2001 to determine if applicants have correctly reported the payment of local government license renewal application or processing fees to the OLCC.

Time limit on recommendation for all other actions: You will continue to receive individual license applications for all actions other than license renewals. The applicant is responsible for submitting the application to their local government, and must provide a receipt to the OLCC as proof that the application was submitted. The process for making a recommendation is the same as for renewals, except that you will be limited to 30 days from the date that you receive an application to make a recommendation or request additional time.

A reminder about statutory limitations on the fees charged by local governments

ORS 471.166 limits the fees that local governments can charge license applicants. Local governments are limited to charging a maximum \$25 application fee for each application for a liquor license or a liquor license renewal, unless they have adopted an ordinance, rule or resolution, prescribing licensing guidelines to be followed in making license recommendations. If the OLCC has approved the guidelines, the local government can charge a processing fee. The processing fee is charged in lieu of the application fee. The maximum processing fees are \$35 for a renewal or temporary application, \$75 for a change in ownership, change in location or change in privilege, and \$100 for a new outlet application. Please send any correspondence concerning these guidelines to Bette Worcester, OLCC Regulatory Process Director, P.O. Box 22297, Portland, OR 97269-2297.

We hope that this information will help you prepare for the changes that are coming in 2001. We will do our best to help make this a smooth transition. If you have questions or concerns, please contact your local OLCC field office, or call me at (503) 872-5223.

We are also asking for your help. In order to assure that we have the correct information about the application or processing fees that your jurisdiction will be charging in 2001, we are asking you to complete the attached questionnaire, and return it to the us no later than October 31, 2000.

Sincerely.

Dan McNeal

Technical Support and Project Manager

OREGON LIQUOR CONTROL COMMISSION

Local Government Liquor License Fee Information



Please complete a	and return by October 31, 20	001.			
Local Government I	Name:		Phone	·	
Check which type o	f fee your jurisdiction will char	ge liquor license appli	cants in 2001:		
□ Application Fee□ Processing Fee□ We will not charg	(Maximums: \$35 for renewa ownership, location or privile		•	e in	
	n application or processing fee nail applications and fees belo		the mailing add	ress whe	re
Attention to:					
Address:	en e				
City:		ZIP Code:		·	
If no, please note th	end license renewal notices to ne correct address for renewal renewal notices to the correct address for renewal notices to the following liquor	l Notices:	u res u No		
License renewal: _	. 4.				
New outlet:					· .
Change of ownersh	nip/change of licensee				
Change of location	·	· · · · · · · · · · · · · · · · · · ·			
Change of privilege			in the second	tr - Alanta	·
Other:					
Who can we conta	ct for additional information?			()	
		Name		Phone	



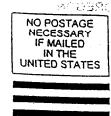
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REGULATORY POLICY AND PROCESS OREGON LIQUOR CONTROL COMMISSION PO BOX 22297 PORTLAND OR 97269-9979



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Please fold here and staple or tape at top to mail

Oregon Liquor Control Commission

Our Mission

To effectively regulate the sale, distribution, and responsible use of alcoholic beverages in order to protect

Oregon's public health, safety and community livability.

Please fold here

AGENDA ITEM#	6
FOR AGENDA OF	July 10, 2001

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE <u>Establishment of a Revised and Enhanced Neighborhood Sewer Reimbursement</u>
District Incentive Program
PREPARED BY: G. N. Berry DEPT HEAD OK A.P.Duenas CITY MGR OK WAM
221 1121 011 <u>112 12 13 14 14 14 14 14 14 14 14 14 14 14 14 14 </u>
ISSUE BEFORE THE COUNCIL
Shall revisions proposed for the Neighborhood Sewer Reimbursement District Incentive Program be approved?
STAFF RECOMMENDATION
Staff recommends that City Council approve, by motion, the attached resolution repealing Resolution 98-51 and
establishing a revised and enhanced Neighborhood Sewer Reimbursement District Incentive Program.
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INFORMATION SUMMARY

Background

Currently, the City relies upon the Neighborhood Sewer Extension Program to construct sewers to provide service to developed residential areas that remain without sewer. Under the program, the City of Tigard installs public sewers to properties within a project area designated as a Reimbursement District. At the time the property owner connects to the sewer, the owner would reimburse the City for a fair share of the total project cost. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, each owner is required to pay a connection fee of \$2,335 and is responsible for disconnecting the existing septic system according to County rules and for any plumbing modifications necessary to connect to the public line. To be considered for the program, a neighborhood needs to submit evidence of resident support of a project. Consequently, sewers were constructed as requested by the residents rather than by a schedule set by the City.

To encourage early sewer hookups, City Council established the Neighborhood Sewer Reimbursement District Incentive Program on October 13, 1998 through Resolution No. 98-51. This program limited the amount any residential owner was required to pay for a share of the public sewer to \$8,000 up to a maximum of \$15,000 if the connection was completed within one year from when it was first available.

Proposed Revisions to Incentive Program

At its June 12, 2001 meeting, City Council approved a schedule of projects using City-initiated Reimbursement Districts to install sewers throughout the City over the next five years. Under this plan, residential areas that remain without service were divided into thirty-four project areas. Through the City's Neighborhood Sewer

Extension Program, the City would construct sewers for each project area in accordance with the adopted schedule. In addition, City Council directed staff to adopt additional incentives to encourage owners to promptly connect to the sewers once they are available:

- Reduction of the limit any residential owner is required to pay for a share of the construction of the public sewer from \$8,000 to \$6,000
- Increase the eligibility period for the reduced fee from one year to three years from the time the connection is available
- Extend these incentives to previously established reimbursement districts
- Establish, if feasible, loan programs with local banks for residents needing financing for connection

The Finance Department is currently investigating the feasibility of arranging for installment payments through local banks. The attached resolution repeals Resolution No. 98-51 and replaces it with a revised program with the proposed additional incentives.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None

ATTACHMENT LIST

- 1. Proposed Resolution with Attached Table 1
- 2. Resolution No. 98-51

FISCAL NOTES

Sewer extensions are funded from the Sanitary Sewer Fund under the Commercial Area and Neighborhood Sewer Extension Programs of the City's Capital Improvement Program.

I:\Citywide\Sum\Revisions to the Neighborhood Sewer Incentive Program.doc

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-	
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A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2:

A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3:

To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a residential lot shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection

	sewer connection.	
SECTION 4:	of this incentive program. Resi	ired by TMC Chapter 13.09 shall apply the provisions dential lot owners who do not connect to sewer in ay the full reimbursement amount as determined by the
SECTION 5:	entitled to reimbursement from the to be paid shall be determined Manager. There shall be a full ex	abursement fee in excess of the fee required herein is the City. The amounts to be reimbursed and the persons by the Finance Director and approved by the City planation of any circumstances that require payment to payer. The Finance Director shall make payment to all ater than August 31, 2001.
SECTION 6:	<u> </u>	h is the funding source for the Neighborhood Sewern, shall provide the funding for the installation costs \$15,000 per connection.
EFFECTIVE DA	ATE : July 10, 2001	
PASSED:	This day of	2001.
ATTEST:		Mayor - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

City Recorder - City of Tigard

TABLE 1 Reimbursement Districts with Refunds Available			
DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	, , , , , , , , , , , , , , , , , , , ,
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000	•	July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	ediy 11,2000
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	· -	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20		determined once final costs are determined.	, , , , , , , , , , , , , , , , , , , ,

Currently being constructed

CITY OF TIGARD, OREGON

RESOLUTION NO. 98-51

A RESOLUTION ESTABLISHING A NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM.

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, the amounts reimbursed by residential lot owners in the past have been below \$8,000 per connection; and

WHEREAS, the reimbursement districts that are currently under consideration have estimated reimbursement costs ranging from \$9,000 to \$14,000 per connection; and

WHEREAS, the costs of reversing residential plumbing, closing the existing septic tank, installation of a sewer lateral to connect to the public system, and payment of the connection fee add several thousand dollars more to the burden of a residential lot owner who wishes to connect to City sewer; and

WHEREAS, the City Council wishes to initiate an incentive program to encourage residents to connect to public sewer; and

WHEREAS, the City Council finds that establishing a maximum reimbursement fee for residents to pay will further the objectives of the program by encouraging formation of sewer reimbursement districts and actual connections to public sewer; and

WHEREAS, based on previous reimbursement districts, the amount of \$8,000 appears to be a reasonable amount to establish as the maximum fee for reimbursement by residential lot owners; and

WHEREAS, the City Council concurs that the sum of \$15,000 should be established as the maximum cost per connection; and

WHEREAS, the City Council wishes to offer this incentive program for a two-year period, after which the program will be evaluated for continuation.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1:

An incentive program is hereby established for the Neighborhood Sewer Extension Program with a maximum fee of \$8,000 for reimbursement by residential lot owners. This applies only to the reimbursement fee for the sewer installation and not to the connection fcc, which is still payable upon application for sewer connection.

SECTION 2:

This Resolution shall apply to sewer connections provided through sewer reimbursement districts established by October 12, 2000. All connections qualifying

RESOLUTION NO. 98-51
Page 1

under this incentive program must be completed within one year after Council approval of the final City Engineer's Report following a final public hearing conducted in accordance with TMC Section 13.09.105.

SECTION 3:

The City Engineer's Report required by TMC Chapter 13.09 shall include a provision that to the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single-family residential shall not exceed \$8,000 per connection, provided the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 4:

The funding source for the Neighborhood Sewer Reimbursement District Program shall provide the funding for the installation costs over \$8,000 up to a maximum of \$15,000 per connection.

D A	cern.	
ΓA	SSED:	

This 13th day of October 1998

Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

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AGENDA ITEM #	
FOR AGENDA OF	July 10, 2001

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE
PREPARED BY: Jodi Buchanan DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Listen to an update on the Bull Mountain annexation work plan and study and provide staff with any comments/suggestions.
STAFF RECOMMENDATION
Not applicable as this is an update only.

INFORMATION SUMMARY

At the March 20, 2001 City Council work session, Council directed staff to move forward with reviewing the possibilities of annexing the Bull Mountain area. At the April 24, 2001 City Council meeting, Council endorsed the work plan and study scope by approving the consent agenda item (copy of an updated work plan and the updated study scope are attached as Attachments 1 & 2).

Staff has completed several tasks outlined in the work plan including defining the details of the study (as detailed in the scope of study), hiring an intern, and meeting with Washington County staff. The fact-finding portion of the study has begun, and there is a tentative completion date set for at the end of summer. Tigard and Washington County staff met on May 14, 2001. There is support from Washington County to undertake this effort. As a result of the meeting, it was decided that a focus group meeting with active community members would be helpful to bring the issue up to residents and gather information from them to help us in preparing a study and plan.

A focus meeting of approximately 100 property owners and residents is planned. We have completed the list of active community members, and are now in the process of designing and mailing the invitation. These individuals will be invited to attend and encouraged to bring their neighbors. The invitation list was designed to represent each neighborhood within the Bull Mountain Annexation Study Area. The idea is to get people who have been active in their community because these people will have a feel for the issues and concerns of their neighborhood. We will briefly inform them of the study to consider annexation and use most of the time to ask them for input and suggestions to be sure our study adequately looks at and addresses the needs and concerns of the Bull Mountain residents. The focus group meeting is scheduled for July 26, 2001 at 7 p.m. The location has not been confirmed yet, but the most likely location is Deer Creek Elementary School. All Council members are encouraged to attend. An outline of proposed discussion topics is attached as Attachment 3.

OTHER ALTERNATIVES CONSIDERED

Not applicable.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management Goal #2, Urban services are provided to all citizens within Tigard's urban growth boundary and recipients of services pay their share.

ATTACHMENT LIST

Attachment 1: Updated Work Plan

Attachment 2: Updated Study Scope for Bull Mountain Area Attachment 3: Draft Outline of Discussion Meeting Topics

FISCAL NOTES

N/A

PROPOSED WORK PLAN LOOKING AT THE ISSUES INVOLVED IN ANNEXING THE UNINCORPORATED BULL MOUNTAIN AREA

Month	Task
Completed	Define details of study and what information needs to be provided.
Completed	Interview and hire intern.
Completed	Staff meets with Washington County to get their input and support on the annexations.
June-August	Intern researches and prepares the study document.
June-July	Staff plans and organizes a focus meeting with active neighborhood representatives to gain a more complete understanding of the issues that are important to the Bull Mountain residents. The meeting is planned for July 26 th , at 7 p.m. This information will be included in the study document, and will also be used by staff to form the open house agenda and public outreach plans.
September	Once the study is complete, staff holds an open house to share study information and get comments and input from citizens in the area before bringing the issue back to the City Council.
October	Staff presents the results of the study and the initial open house responses to the City Council at a work session meeting. Council provides direction to staff on whether to proceed with actively seeking annexation.
Nov/Dec	If Council directs staff to seek annexations, staff will prepare a detailed public outreach plan for City Council comment and approval.

Bull Mountain Annexation Study

Task 1:

Define developed and undeveloped areas. Undeveloped areas may be defined as lots large enough to be subdivided and/or vacant properties. Definition must be specific.

Task 2:

Identify total acreage of developed and undeveloped areas in the Bull Mountain area. Identify the total number of tax lots for each. Provide a list of the tax lots in each area along with property owner information.

Task 3:

Provide basic statistical information, such as population, voting, etc. Define the existing service providers and the services (public facilities) that would be provided by the City. Note any significant differences. This may require breaking the area up into smaller pieces if service levels vary throughout the Bull Mountain area.

Task 4:

Create 3 scenarios. The first scenario explains revenue and costs that currently exist. The second scenario outlines revenue and costs should the area develop to maximum density. The third scenario outlines revenue and costs at a midpoint of development, which will be determined by the METRO definition of developable lands. Where the City would be providing new services (public facilities), provide estimates of the cost to provide these services. This will require evaluating developed and undeveloped areas separately.

Task 5:

Identify existing County tax examples versus City tax examples. Note any significant differences. This will require evaluating developed and undeveloped areas separately.

Task 6:

Describe development trends for the Bull Mountain/Tigard area.

Task 7:

Identify public outreach opportunities. Gather contact names and numbers for homeowner associations. Discuss any known obstacles to doing outreach.

Task 8:

Provide information on an incremental annexation plan.

Task 9:

Identify the Urban Reserve areas to the west of the Bull Mountain region. Cite basic statistical information, and give a summary of the same information provided for the study area. Include the dates when these reserve areas become open for development.

Annexation Focus Meeting

Purpose: To share information with key people regarding what we are doing, and why, and to gather information from them which will help us in preparing a study and plan.

- I. Identify why the City is undertaking this effort
 - a. SB122
 - b. County 2000 Plan
 - c. Council Goals
- II. Discuss City process and timeline (study scope and work plan, what the next steps are after the study, web page with updates, maybe identify 5 people who can share information with others.
- III. Identify potential advantages and what City services exist
 - a. Local representation
 - b. More representatives and more responsive
 - c. Police service
 - d. Library services
 - e. Parks
 - f. Streets
 - g. Code Compliance
- IV. Input on issues
 - a. What issues/concerns do you think the City should address in its study?
 - b. Are there specific different issues based on areas in Bull Mountain?
 - c. Do you think there is support for annexing all or part of the area?
 - d. What issues do you think the City should focus on?
 - e. What do you think will be effective methods to get public input and to give information back to the area residents?
 - f. Names of Homeowner's Associations.

AGENDA ITEM#	8
FOR AGENDA OF	July 10, 2001

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Oregon Department of Transportation (ODOT) — Review of Signal Loop Replacement Project
PREPARED BY: Cathy Wheatley DEPT HEAD OK CITY MGR OK
ISSUE BEFORE THE COUNCIL
Hear presentation by a representative from ODOT regarding its signal loop replacement project.
STAFF RECOMMENDATION
No recommendation – presentation only.
INFORMATION SUMMARY
A representative from ODOT will give a brief overview of its signal loop replacement project.
ODOT contacted City staff and requested a noise restriction exemption for a signal loop replacement project. Three locations are identified for Tigard: 1. SW 72 nd Avenue @ Hunziker Road 2. Oregon 99W @ Durham Road 3. Oregon 99W @ McDonald/Gaarde
The exemption was granted with conditions. Attached is a copy of the Noise Restriction Exemption permit, which has attached to it documents from ODOT as well as the review and recommended conditions from City Engineer Gus Duenas. The proposed work is necessary and must be performed at night because of the huge volume of traffic during daylight hours. This work is scheduled to occur sometime during the period between August 1, 2001 through September 30, 2002. The actual work will require up to 11 nights during that period and will take place between the hours of 9 p.m. to 7 a.m.
OTHER ALTERNATIVES CONSIDERED
N/A
VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY Community Character & Quality of Life – Communication Goal: "accessibility to information" and "two-way communication"
ATTACHMENT LIST Noise Restriction Exemption Permit
FISCAL NOTES

 $\ensuremath{N/A}$ I:\adm\city council\council agenda item summaries\signal loop project - odot.doc

CITY OF TIGARD NOISE RESTRICTION EXEMPTION TMC §7.40.190

REQUESTOR: Oregon Department of Transportation

PURPOSE FO	OR REQUEST: Signal Loop Replacement Project at SW 72 nd at Hunziker 99W @ Durham Road; Oregon 99W @ McDonald & Gaarde
mission REQUEST IS	: Granted Denied Granted with conditions x_
Monahan, City	S FOR EXEMPTION: <u>See attached letter date May 15, 2001 from Larry Krettler of ODOT to Bill</u> <u>Manager for the City of Tigard and the recommendations by City Engineer Gus</u> <u>attached memorandum dated June 20, 2001.</u>
	PLAN (ATTACHED) Date of Plan: May 15, 2001 – Letter from Larry Krettler of ODOT and recommendations contained in the June 20, 2001 memorandum from City Duenas.
	Approved by City Manager on: 6/20/00
TERMINATIO	ON PROVISION:
	If the terms of the exemption permit are not strictly adhered to, notice will be given to requestor. Requestor will address the concern and notify the City as to how the problem has been addressed within three days. Failure of requestor to address the concerns may lead to termination of this permit.
EFFECTIVE I	DATES: This noise restriction exemption permit is effective from August 1, 2001, through September 30, 2002, unless otherwise terminated.
SIGNED:	City Manager or Designee
	DATE 6/20/01

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MEMORANDUM CITY OF TIGARD

13125 SW Hall Blvd. Tigard, OR 97223 Phone 503-639-4171 Fax: 503-624-0752

TO:

Bill Monahan

City Manager

FROM:

Gus Duenas Hun

City Engineer

DATE:

June 20, 2001

SUBJECT:

Request by ODOT for Noise Variance

I have reviewed the request by ODOT to conduct nighttime construction activities for the purpose of replacing traffic signal loops at three locations in Tigard. The proposed work is necessary and must be performed at night because of the huge volume of traffic during daylight hours. This work is scheduled to occur sometime during the period between August 1, 2001 through September 30, 2002. The actual work will require up to eleven nights during that period and will take place between the hours of 9:00 p.m. to 7:00 a.m.

I recommend that the exemption be granted to ODOT for performance of the work during nighttime hours with a permit to exceed the maximum noise levels as stated in Article IV of the Tigard Municipal Code. The work to be performed in Tigard appears to be part of a much larger project, which I assume will be advertised for bids and awarded to a contractor in the near future. Because of the extended period involved in the request, I suggest the following conditions be imposed as part of the approval:

- That ODOT provide to the City the proposed dates for the work at each of the three intersections as soon as the work schedule becomes available.
- That the City be granted the right to review and approve or disapprove the proposed dates. There will be certain time periods and events in the next year and a half during which we may not want to have traffic disruptions, even during nighttime hours.
- At least one-week notice to the residents affected by the noise levels prior to work at any of the three locations in Tigard.

- At least one-week notice to the City so that the Police Department and the City inspectors can
 monitor the work and respond appropriately to requests for information or complaints.
- Submission to the City of a public notification plan to ensure that information is disseminated regarding the project and the nighttime hours required to complete the work.
- Submission to the City, the affected residents, and the public a list of 24-hour telephone contact numbers for information and complaints related to the project.

c: Jim Hendryx
Brian Rager
Vannie Nguyen
Michael Mills

I:\Eng\Gus\Memorandums\Request by ODOT for Noise Variance



Department of Transportation

FILE CODE:

Region 1 123 NW Flanders Portland, OR 97209-4037 (503) 731-8200 FAX (503) 731-8259

May 15, 2001

City of Tigard William Monahan, City Manager 13125 SW Hall Boulevard Tigard, OR 97223

RECEIVED C.O.T.

MAY 1.6 2001

Administration

Re:

Oregon Department of Transportation Signal loop replacement project

Noise Variance Application

The Oregon Department of Transportation is requesting a variance to the City of Tigard noise ordinance for signal loop replacement at three intersections within the City's jurisdiction. The variance request is for scheduling nighttime construction at the following locations:

SW 72nd @ Hunziker Road

ORE 99W @ Durham Road

ORE 99W @ McDonald/Gaarde

The project replaces approximately 11 traffic loops at SW 72nd @ Hunziker, 15 traffic loops at Ore 99W @ Durham Road and 13 traffic loops at Ore 99W @ McDonald/Gaarde. Associated wiring and conduit will also be replaced at all intersections. Loop replacement in travel lanes will require lane closures at night and the use of a concrete saw and supporting equipment. The anticipated number of nights of work for each intersection are as follows:

SW 72nd @ Hunziker

3 nights

ORE 99W @ Durham Road

4 nights

ORE 99W @ McDonald/Gaarde 4 nights

Oregon Highway 99W functions at capacity between the hours of 6 AM and 8 PM. The traffic counts during this time period ranges between 53,000 and 56,000 vehicles per day. Lane closures prior to 8 PM would create traffic delays, congestion and possible diversion of traffic to local neighborhood streets.

Lane closures or traffic restrictions would create traffic congestion and backups causing diversion of traffic to local neighborhood streets. Shoulder closures will be used whenever possible to minimize the need for night work activities. Portions of

these intersections are very restricted for work space and equipment can not always be located off of the travel portion of the roadway.

Due to these circumstances, the contract specifications will limit the contractors ability to close travel lanes to the following:

Do not close any traffic lanes on SW 72nd Avenue and Hunziker Road, Monday through Friday, between the hours shown:

SW 72nd Ave. @ Hunziker Road (at the 72nd Avenue Interchange with Ore 217)

5:30 AM - 9:00 PM

One lane closures are allowed at all other times, M - F.

Do not close any traffic lanes on Pacific Highway West (ORE 99W) and intersecting streets, Monday through Friday, at the following locations and between the times shown:

ORE 99W @ Durham Rd. (MP 11.48)

5:30 AM - 9:00 PM

ORE 99W @ McDonald/Gaarde (MP 10.36)

5:30 AM - 9:00 PM

In order for ODOT to minimize or mitigate traffic impacts to neighborhoods adjacent to the construction areas, minimize traffic congestion and delays during peak commuter hours and meet the construction schedule for this project, nighttime construction activities are anticipated.

Field reviews were conducted in November and December 2000 to verify if there were residential areas in the proximity of the work sites, and to determine the distances between residential uses and the work sites. A copy of that report is attached for your information.

The nearest residence to the SW 72nd and Hunziker site is approximately 35 meters west. The nearest residence to the ORE 99W @ Durham Road site is 90 meters west and the closest to the ORE 99W @ McDonald/Gaarde site is 95 meters east. Notices have been sent to the nearby property owners at the above three sites.

Predicted construction noise levels at the nearest residence west of SW 72nd @ Hunziker is Leq 69 dBA. Predicted construction noise levels at the nearest residence west of ORE 99W @ Durham Road is Leq 60 dBA and at the nearest residence east of ORE 99W @ McDonald/Gaarde is Leq 60 dBA. The predicted construction noise level does not include any ambient or traffic noise levels.

Article IV of the Tigard Municipal Code relating to noise does not permit construction activities to occur during the nighttime hours of 9:00 PM to 7:00 AM Monday through Friday. As a result, a variance is necessary to enable construction activities to occur in the project area during the nighttime hours of 9:00PM and 7:00AM, Monday through Friday.

ODOT is requesting a variance to Article IV of the Tigard City Municipal Code, relating to noise control, to enable it to conduct nighttime construction activities. These activities will require up to a total of 11 nights to take place during the hours of 9:00 PM and 7:00 AM Monday through Friday. It will be necessary for the variance to be in effect from August 1, 2001 through September 30, 2002.

If you have any questions please feel free to contact me at (503) 731-8488.

Larry Krettler

ODOT Project Team Leader

Lawrence a Metaller

cc: Earl Mershon, Project



Department of Transportation

FILE CODE:

Region 1 123 NW Flanders Portland, OR 97209-4037 (503) 731-8200 FAX (503) 731-8259

May 16, 2001

City of Tigard William Monahan, City Manager 13125 SW Hall Boulevard Tigard, OR 97223

Re:

Oregon Department of Transportation Signal loop replacement project Noise Variance Application

Per the voice message, enclosed are the two reports that were omitted from the original submittal.

If you have any questions please feel free to contact me at (503) 731-8488.

Larry Krettler

ODOT Project Team Leader

Lawrence A Mattle

cc: Earl Mershon, Project

Table 1	Region 1	2001 /	ATMS Rar	mp Meters				
	List of Sites							
ey # 10668 EA # PE 000132-01	0			11-06-00 jld				
Location	Hwy Name	Hwy #	Mile Post	Local Jurisdiction	Adjacent Noise Sensitive Receivers Yes/No	Distance and Direction from work area	Predicted Leq	Mitigation Recommended
efferson St. On-ramp to US 26 Sunset Hwy. WB)	Sunset Hwy.	47	73.33 w	City of Portland	N			
arnes Road On-ramp to ORE 217	Beaverton/Tigard Hwy. (Hwy 217)	144	0.00	Washington County	N			
/ilshire Road On-ramp to ORE 217 B	Beaverton/Tigard Hwy. (Hwy 217)	144	0.19	Washington County	Y			Apartments protected by a sound wall
aines Road On-ramp to I-5 SB	Pacific Hwy. (I-5)	1	293.30	City of Tigard	N			
5 SB loops only @ Capitol Hwy no signals)	Pacific Hwy. (1-5)	1	· 295.04	City of Portland	Y	30 m west, ramp is an elevated structure	70	high ambients
5 SB loops only @ Spring Garden no signals)	Pacific Hwy. (I-5)	1	296.34	City of Portland	N			
tafford Road On-ramp to I-205 NB	East Portland Frwy. (I-205)	64	3.16	Clackamas County	Y	166 m south to residence	55	
tafford Road loops only (no ignals) for On-ramp to I-205 SB	East Portland Frwy. (1-205)	64	3.16	Clackamas County	Y	115 m north to residence	58	
0th. Street On-ramps to I-205 NB	East Portland Frwy. (I-205)	64	6.40	City of West Linn	Y	80 m east to residence	62	high ambients
0th. Street On-ramps to I-205 SB	East Portland Frwy. (I-205)	64	6.40	City of West Linn	N	`		
RE 43 NB On-ramps to I-205 NB	East Portland Frwy. (I-205)	64	8.82	City of West Linn	Y	73 m south to West Cliff Apts.	62	high ambients from traffic
RE 43 SB On-ramps to I-205 NB	East Portland Frwy. (I-205)	64	8.82	City of West Linn	Y	23 m north to apartments	72	high ambients from traffic
lowel Blvd. On-ramp to I-205 NB	East Portland Frwy. (1-205)	64	19.12	City of Portland	N			
lotes on table above :								
ocation taken from "List of Needs" .x Mile Post from Straight Line Charts - N	Is sheet from Jeff L.	& sites v	risited during	g 9-18-00 field trip	ļ., <u>,</u>	11. 6. 34		

		Region 1 2001 Signal Loop Repair List o	of]	T	T				,	
Table 1, Supplemental Key # 9384	1407-011	Sites	ļ		Nov. 2. 2000 lik. /// Pov. 12.5.00 /// Pov. 12.42.42.00					
Site	Local Jurisdiction	Hwy Name	Hwy #	Mile Post	Nov. 3, 2000 jlk /// Rev 12-5-00 /// Rev 12-12-00 Description (lp = loops : S8 = southbound : NB = northbound)	Total #	Adjacent Noise Sensitive Receivers Y/N	Distance & Direction from work area	Predicted Leq	Mitigation Recommended
SE 10th Ave. @ Oak St.	City of Hillsboro	Tualatin Valley Hwy	29	12.44	3 Ip on 10th Ave. NB : 1 Ip on Oak WB : 4 Ip on 10th Ave. SB	8	Ÿ	Dunes Motel is 15m SE	76	
SE 10th Ave. @ Baseline Rd.	City of Hillsboro	Tualatin Valley Hwy	29		3 lp on 10th EB: 3 lp on Baseline NB: 5 lp on 10th WB	11	N			
SW 72nc Ave. @ Hunzikei Rd.	City of Tigard	Beaverton/Tigard Hwy (Hwy 217)	144	6.69	1 lp on 72nd SB; 4 lp on 72nd NB; 6 lp on Hunziker; conduit & J- boxes	11	Y	residence is 35m W	69	
ORE 99W @ Durham Rd.	City of Tigard	Pacific Hwy West	1W	11.48	9 Ip on DurhamWB : 6 Ip on Durham/116th EB (mcdify loop layout by Doug Anderson)	15	Y	90m W	60	
ORE 99W @ McDonald/Gaarde	City of Tigard	Pacific Hwy West	1W	10.36	7 ip on McDonad WB : 6 ip on Gearde EB	. 13	Y	residence is 96m É	60	
Allen Blvd. Intch w/ Hwy 217	City of Beaverton	Beaverton/Tigard Hwy (Hwy 217)	144	2.48	all loops + some magnetometers may need replaced, to be determined		Y	Peppertree Motel is 50m SE	66	
SW Park Way @ SW 98th Ave. (Hwy 217 & Sunset Hwy Intch)	Washington County	Beaverton/Tigard Hwy (Hwy 217)	144	0.11	5 lp on Park WyEB : 2 lp on ParkWy WB : 6 lp on 'PB" line SB	13	2			
Farmington @ SW 185th	Washington County	Farmington Hwy.	142	6.7	3 ip NB, 3 ip WB, 3 ip SB, 3 ip EB	12	Y	Residence is 26m SE	71	
Farmington @ Kinnaman	Washington County	Farmington Hwy.	142	7.42	3 lp NB, 2 lp EB, 6 lp SB, 2 lp WB	13	Y	Kinnaman Park Townhouses 15m NE	76	
I-205 Gladstone Intch @ S3 Ramps	City of Gladstone	East Portland Frwy (I-205)	64		12 lp on SB off-iamp : 3 lp on 82nd SB : 2 lp on 82rd NB	17	N	Total Control of the	/	
L 205 Cindetona intel @ ND Flames										
I-205 Gladstone Intch @ NB Ramps	City of Gladstone	East Portland Frwy (I-205)	64	11.05	5 lp on 82nd SB: 7 lp on NB off-ramp : abandon 4 lb on NB off ramp	12	Y	110m E	59	
I-205 Airport Way Intch @ Sbnd Ramp	City of Portland	East Portland Fwy. (I-205)	84	24.75	6 lp EB, 6 lp WE, 12 lp SB	24	N			
ORE 99E @ Ochoco	City of Milwaukie	Pacific Hwy East (McLoughlin Blvd.)	1E	4.87	3 Ip NB, 3 Ip WE, 6 Ip SB, 2 Ip EB	14	Y	Residence 50m NW	66	
ORE 99E @ Milport Rd.	City of Milwaukie	Pacific Hwy East (McLoughlin Blvd.)	1E	5.2	8 Ip on 99E SB : 7 Ip on Milport EB : 6 Ip on 99E NB : 7 Ip on Milport WB	28	N			
ORE 99E @ Harrison/SE 17th	City of Milwaukie	Pacific Hwy East (McLoughlin Blvd.)	1E	5.72	3 ip NB, 6 ip WE, 5 ip SB, 4 ip EB	18	N			
ORE 224 @ Harrison St.	City of Milwaukie	Clackamas Hwy. (Milwaukie Expwy.)	171	0.68	2 p on OR 224 SB : 2 p on Harrison EB	4	Y	Hamlin Manor Apts 20m SW, also residences to NW	74	
ORE 224 @ Rusk	City of Milwaukie & Clackamas County	Clacksmas Hwy. (Milwaukie Expwy.)	171	2.72	5 lp EB, 2 lp NB, 6 lp WB, 3 lp SB	18	Y	Residence 35m SE	69	
ORE 224 @ Pheasant	Clackamas County	Clackamas Hwy. (Milwaukie Expwy.)	171	3.33	3 lp EB, 6 lp SB	9	Y	Apartments 80m SE	82	
ORE 224 @ Johnson Rd.	Clackamas County	Clackamas Hwy. (Milwaukie Expwy.)	171	3.73	2 lp NB, 6 lp WB, 11 lp SB, 5 lp E8	24	Υ	Apartments 40m SW	68	
SE 82nd & Johnson Crk Bvd.	Clackamas County	Cascade Hwy North (82nd Ave.)	68	7,54	5 ip NB, 10 ip W3, 1 ip SB, 7 ip EB	23	Y	Residences 66m SW	63	
82nd Ave @ Causey Rd.	Clackamas County	Cascade Hwy North (82nd Ave.)	68	8.63	7 lp on 82nd SB; ê ip on Causey EB ; 7 ip on 82nd NB ; 9 ip on Causey WB	29	N			
82nd Ave @ Sunnyside Rc./ Harmony Rd.	Clackamas County	Cascade Hwy North (82nd Ave.)	68	9.23	4 lp on Harmony EB : 5 lp on 82nd SB : 5 lp on 82nc NB : 1 lp on Sunnyside WB	15	Y	houses 106m NW	59	
ORE 213 @ Beavercreek Rd.	City of Oregon City	Cascade Hwy South	160	2.98	2 Ip on OR 213 3B plus Jbox and split pair of Ip : 9 ip on Beavercreek EB : 5 Ip on OR 213 NB : 4 Ip on Beavercreek WB	20	Y	residence 88m SW	61	
ORE 213 @ Molalia Ave./ Clackamas Community College	City of Oregon City	Cascade Hwy South	160	3.59	7 Ip on OR 213 \$B : 6 Ip on Molalla Ave EB : 1 Ip on OR 213 NB : 5 Ip on CCC entrance WB	19	Υ ,	esidence 80m SW	62	
Powell Blvd. @ SE 182nd	City of Gresham	Mt Hood Hwy. (Powell Blvd.)	26	10.34	7 Ip EB, 1 Ip NB, 3 Ip WB, 5 Ip SB	16	Υ ,	Apartments 40m W	68	
Powell Blvd. @ Eastman Plwy	City of Gresham	Mt Hood Hwy. (Powell Blvd.)	26	12.52	4 lp SB, 2 lp EB, 7 lp NB, 3 LP WB	16	N .			
Mt Hood Hwy @ SE 362nd	City of Sandy & Clackamas Co.	Mt Hood Hwy. (Powell Blvd.)	26	22.74	3 Ip NB, 4 Ip EB,6 Ip WB	13	Y	Residence 40m NE	68	
Mt. Hood Hwy @ Industrial Way	City of Sandy	Mt. Hood Hwy	26	22.9	2 lp on Industrial Wy NB : 4 lp on Fwy 26 WB : 6 lp cn industrial Wy SB	14	N			
Site from memo dated 10-26-00, MJ to JP	Hwy # and Mile Pos	st from 'As Builts' plan or straight line chart			Total Loops =	427				
Local Jurisdiction from Thomas Guide map	description from (A)	s Builts' attached to memo dated 10-26-00								

AGENDA ITEM #: 9	
FOR AGENDA OF:7/10/01	_

CITY OF TIGARD, OREGON COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE:_	Economic Improvement District – Tigard (Central Business District Association
PREPARED BY: James Her	ndryx DEPT HEAD OK	CITY MGR OK
	ISSUE BEFORE THE COUNC	<u>IL</u>
economic improvement plan	pt an ordinance creating a Downtown Econ for the Downtown Economic Improvement surcharges. This hearing was continued	t District and calling for a public hearing

STAFF RECOMMENDATION

Staff recommends that the Council adopt an ordinance creating a Downtown Economic Improvement District, adopting an economic improvement plan for the Downtown Economic Improvement District and calling for a public hearing on proposed assessments and surcharges.

INFORMATION SUMMARY

The Tigard Central Business District Association was formed in 1998 in an effort to promote and revitalize the downtown. Stable funding is critical for their continued success. The proposed Economic Improvement District establishes a framework for the TCBDA to continue their efforts.

The City Council adopted Ordinance No. 01-01 on April 10, 2001 creating Chapter 13.12 of the Tigard Municipal Code which establishes procedures for the creation of an Economic Improvement District (EID). The EID must be established through City Council process. In order to form an EID, Council must adopt an Economic Improvement Plan establishing the framework for the EID. Two formal hearings are held by the City Council to consider the formation of an Economic Improvement District/Business Improvement District (EID/BID). The original meeting was set for June 12, 2001, but due to a notification error, the hearing was continued to July 10th and notice was sent out 30 days in advance. The second hearing is tentatively scheduled for August 14, 2001, at which time written remonstrates will be tallied in accordance to statute. Written remonstrance from owners of 33% of the property upon which the total amount of assessment is levied stops the EID process.

At the June 12th meeting, Council took testimony which raised a number of issues and Council requested additional information to be submitted to Council prior to the July 10th meeting, prior to taking action on the EID formation. TCBDA has provided copies of its by-laws, minutes, testimony from Fran Gritzbaugh, response to Mrs. Gritzbaugh's issues, a letter from Jerry Hilary (TCBDA legal counsel), a letter from Bill Monahan to TCBDA, and a statement whether EID assessments should be voluntary vs. involuntary. This information is packaged as Attachment 2.

OTHER ALTERNATIVES CONSIDERED

1. Take no action at this time.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Downtown #1: Provide opportunities to work proactively with Central Business District (CBD) businesses and property owners and citizens of Tigard to set a course for the future of the central downtown.

ATTACHMENT LIST

Attachment 1 – Ordinance and exhibits

FISCAL NOTES

The City's contribution is estimated at \$26,667 annually.

I:\cdadmin\jerree\jim\general\6-12-01 EID Agenda Summary.doc

CITY OF TIGARD, OREGON

ORDINANCE NO. 01-

AN ORDINANCE CREATING A DOWNTOWN ECONOMIC IMPROVEMENT DISTRICT, ADOPTING AN ECONOMIC IMPROVEMENT PLAN FOR THE DOWNTOWN ECONOMIC IMPROVEMENT DISTRICT AND CALLING FOR A PUBLIC HEARING ON PROPOSED ASSESSMENTS AND SURCHARGES

WHEREAS, The Tigard Central Business District Association requested that the City to create an economic improvement district in the downtown area (the "Downtown Economic Improvement District") and;

WHEREAS, The City Council held public hearings on June 12, 2001, and July 10, 2001, on the issue of the formation of the Downtown Economic Improvement District and;

WHEREAS, Written notice was provided to most property and business owners within the proposed district at least 30 days prior to the June 12 hearing and written notice was provided to all other property and business owners within the district at least 30 days before the July 10, 2001, hearing and;

WHEREAS, The City Council has considered the testimony offered at the public hearings concerning the formation of the Downtown Economic Improvement District and;

WHEREAS, The City Council has reviewed the Economic Improvement Plan for the proposed Downtown Economic Improvement District and;

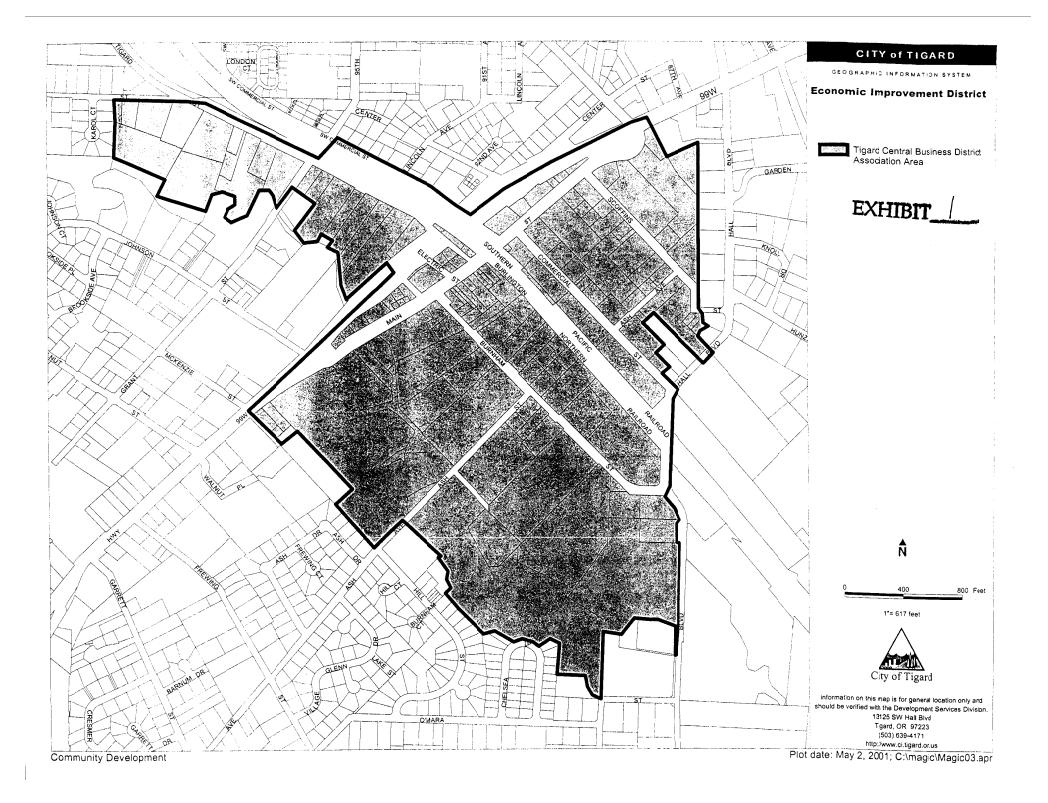
WHEREAS, The City Council has determined that the proposed economic improvements would result in a special and peculiar benefit to non-residential properties and businesses within the proposed Downtown Economic Improvement District different in kind and degree from that afforded to the general public, and therefore, that the Downtown Economic Improvement District should be established.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

- SECTION 1: The Downtown Economic Improvement District is hereby formed in the territory shown on the map attached hereto as Exhibit 1 and incorporated by this reference.
- SECTION 2. The Economic Improvement Plan for the Downtown Economic Improvement District attached hereto as Exhibit 2 and incorporated by this reference is hereby adopted.
- SECTION 3. Properties and businesses within the Downtown Economic Improvement District shall each bear a portion of the costs of the district. The annual amount proposed for assessment against non-residential properties within the district totals \$26,667 (\$27,104) per year, to be spread as detailed in Section 5 of the Economic Improvement Plan. The amount proposed to be paid as business tax surcharges is \$26,667 (\$27,104) per year.

The remainder of the estimated \$90,000 annual cost is to be paid by the City and by revenues generated by the Downtown Economic Improvement District.

SECTION 4.	personally delivered to the owne The notice shall state the amou	ts and business tax surcharges shall be mailed or r of each lot to be assessed or business to be charged. nt of the assessment proposed on the property of the surcharge to the owner of the business receiving the
SECTION 5.	owners may appear to support or Section 4 shall state the time an	duled at which affected property owners or business object to the proposed charge. The notice required by d place of the public hearing, which shall be held no ling or personal delivery of the notices.
SECTION 6.	The City Finance Director shall with the City Recorder.	prepare the proposed assessment for each lot and file it
SECTION 7.	project will be terminated if w hearing from owners of propert assessments is levied or from mo	and the Downtown Economic Improvement District ritten objections are received at or before the public y upon which more than 33% of the total amount of ore than 33% of persons conducting business within the who will be subject to the proposed business tax
	This ordinance shall be effective the Mayor, and posting by the Ci	30 days after its passage by the Council, signature by ty Recorder.
PASSED:	By vote of all Co title only, this day of	uncil members present after being read by number and, 2001.
		Catherine Wheatley, City Recorder
APPROVED:	By Tigard City Council this	day of, 2001.
		James E. Griffith, Mayor
Approved as to fo	rm:	
City Attorney		
Date		





MEMORANDUM

CITY OF TIGARD, OREGON

13125 SW Hall Boulevard Tigard, Oregon 97223 (503) 639-4171 Fax 684-7297

TO: Mayor Griffith, City Council Members

FROM: James N.P. Hendryx, Director of Community Development

DATE: June 12, 2001

SUBJECT: Economic Improvement Plan – Tigard Central Business District Association

The City Council adopted Ordinance 01-01 on April 10, 2001 creating Chapter 13.12 of the Tigard Municipal Code which establishes procedures for the creation of an Economic Improvement District.

What is an Economic Improvement District? An Economic Improvement District is a type of assessment district in which property and/or business owners choose to be assessed a fee, collected by the City, for use in promoting and improving the business area. The concept of the Economic Improvement District is similar to a LID (Local Improvement District). However, rather than funding streets, sidewalks and other capital improvements as an LID does, an Economic Improvement District is meant to fund the many non-physical projects of a revitalization program. These might include: business retention and recruitment, planning, promotion/marketing, maintenance and management.

In order to form an Economic Improvement District Council must adopt an Economic Improvement Plan which includes:

- 1. A description of economic improvements proposed to be carried out, with any appropriate phasing plan or schedule;
- 2. The number of years, to a maximum of five, in which assessments are proposed to be levied;
- 3. A preliminary estimate of annual cost of the proposed economic improvements;
- The proposed boundaries designated by map or perimeter description of an Economic Improvement District within which subject properties would be assessed to finance the cost of the economic improvement;
- 5. The proposed formula for assessing the cost of economic improvements against subject properties. The formula may be an assessment based on the assessed value or area of the property involved, or a surcharge on the business tax on any business, trade, occupation or profession carried on or practiced in the Economic Improvement District, or both;

- 6. A statement whether the property assessment will be a voluntary assessment or mandatory assessment:
 - A. If voluntary, that the scope and level of improvements could be reduced depending on the amount of money collected;
 - B. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Article XI Section 11(b) and may be reduced to fit within the property tax limitation, thereby affecting the level and scope of services described.
- 7. If applicable, information about the organization requesting the creation of the Economic Improvement District;
- 8. Reasons why the Economic Improvement District should be created;
- 9. If applicable, a list of anticipated agreements between the proposed Economic Improvement District and other organizations;
- 10. The administration fee, if any, to be paid to the City for administering the Economic Improvement District.

Following adoption of the enabling ordinance, two public hearings are required. The purpose of the first public hearing is to announce the intention of the City Council to undertake the economic improvement project and to assess benefited property for a part or all of the cost for such improvements. Public notice must be sent to all property and business owners advising of the hearing and explaining the EID/BID. This is the first forum where the whole community is able to provide public input on the EID/BID. The Oregon Downtown Development Association (ODDA) recommends avoiding efforts to change the proposal drastically at the first hearing since most owners already know what to expect and changing the proposal may shake their confidence in the proposal, as well as assessment amounts. The first public hearing is tentatively scheduled for July 10, 2001 (continued from June 12, 2001).

The second public hearing must be held no sooner than 30 days after the initial hearing. The second hearing is tentatively scheduled for August 14, 2001, pending Council's action on July 10, 2001. At the second public hearing Council may approve the EID/BID, provided written remonstrances are not received from businesses and property owners who represent 33%, or more, of the total assessments to be collected.

PROPOSED ECONOMIC IMPROVEMENT PLAN:

1. A description of economic improvements proposed to be carried out, with any appropriate phasing plan or schedule;

The Tigard Central Business District Association states "the EID/BID will protect the investment that we've made in our community. It will enable us to help shape the future of the downtown and complete beautification projects that will ensure a stronger business climate, better jobs, and a more attractive community we can all be proud of."

Proposed Program

- Two part-time positions Downtown Manager and administrative support
- Professional assistance from the Oregon Downtown Development Association
- Flower baskets and street beautification
- Increased recognition of the business community
- Training seminars for businesses
- Promotions (Easter, Sidewalk Sale, Halloween, Christmas, and Tigard Blast)
- Clean and safe activities
- Street amenities

2. The number of years, to a maximum of five, in which assessments are proposed to be levied;

The EID/BID would be assessed for five years.

3. A preliminary estimate of annual cost of the proposed economic improvements;

♦	Salaries	\$41,000
♦	Equipment	\$ 500
♦	Office	\$10,520
♦	Professional services	\$ 3,980
♦	Design & beautification	\$ 3,000
♦	Training	\$ 3,000
♦	Promotions	\$18,500
♦	Contingency	\$10,000
	TOTAL	\$90,500

4. The proposed boundaries designated by map or perimeter description of an Economic Improvement District within which subject properties would be assessed to finance the cost of the economic improvement;

Attachment 1 identifies the Tigard Central Business District Boundaries and the boundaries of the proposed EID/BID which are one in the same.

5. The proposed formula for assessing the cost of economic improvements against subject properties, which formula may be an assessment based on the assessed value or area of the property involved, or a surcharge on the business tax on any business, trade, occupation or profession carried on or practiced in the Economic Improvement District, or both;

TCBDA is proposing a separate assessment for commercial property and business owners. Property assessment would be based upon the acreage of the property and whether they are on or off of Main Street and range from a low of \$118 - \$804 per year. Businesses would be assessed \$132 - \$170. The formula established a 25% differential for properties and businesses on and off Main Street. Main Street businesses and properties benefit to a higher degree than those off of Main Street and, therefore pay the higher rate.

6. A statement whether the property assessment will be a voluntary assessment or mandatory assessment;

Assessments would be mandatory.

6.B. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Article XI Section 11(b) and may be reduced to fit within the property tax limitation, thereby affecting the level and scope of services described;

The consolidated tax rate for downtown Tigard is \$6.4522, which is below the \$10.00 limit. The proposed assessment for the Economic Improvement District when combined is the consolidate tax rate remains below the limitation.

7. If applicable, information about the organization requesting the creation of the Economic Improvement District;

The Tigard Central Business District Association was formed on October 14, 1998 for the purpose of promoting the economic health and development of the Central Business District of Tigard. Regular updates on the activities and efforts of the Association have been reported to the Council since their formation.

8. Reasons why the Economic Improvement District should be created;

It is an opportune time for downtown revitalization in Tigard through partnership efforts of the Tigard Central Business District Association (TCBDA) and the City. The downtown is experiencing a recent, and notable reinvestment in commercial properties. Other opportunities are emerging as well. This type of reinvestment shows belief in and commitment to the city's central core as a place to do business. The City has shown its commitment in the downtown by providing support to TCBDA. The Economic Improvement District creates a long-term partnership with business and commercial property owners for the continued strengthening of Tigard's downtown.

9. If applicable, a list of anticipated agreements between the proposed Economic Improvement District and other organizations;

Not applicable.

10. The administration fee, if any, to be paid to the City for administering the Economic Improvement District.

Funding for the TCBDA would come from four areas. Commercial property owners would contribute \$26,667, business owners would contribute \$26,667, and promotions would generate \$10,000. The City's contribution is estimated at \$26,667. However, should the City want to recover the costs for coordinating the billing of assessments, an additional \$874 would need to be charged annually. Total business and commercial property owner assessments would increase to \$27,104 respectively. The cost is for billing and receipting of assessments, and does not address any efforts to collect any delinquent accounts.

Other considerations for creating an EID/BID

An EID may be an assessment on the value of the property or in may be a fee paid by property owners. The assessments cannot exceed 1% of the total assessed value of properties within the district.

Total assessment value of the commercial properties within in the TCBDA equals \$51,938,390. One percent of the assessed value equals \$519,383.90. The total assessment proposed is \$26,667.

 Only commercial properties may be assessed within the district. Prorating is required for mixed-use properties containing residential uses.

Only commercial properties or portions of mixed-use properties containing residential uses and businesses will be assessed under the proposed funding method.

EID assessments may not include property in residential use.

Residential properties will not be assessed.

The EID must be established through City Council process.

- Two formal hearings are held by the City Council.
- Written objections called remonstrance from owners of 33% of the property upon which the total amount of assessment is levied stops the EID process.

Two formal hearings will be held by Council to consider the formation of an EID/BID. The first will be held on July 10, 2001. The second is tentatively scheduled for August 14, 2001, at which time written remonstrances will be tallied in accordance to statute.

Summary and Recommendation

The Tigard Central Business District Association was formed in 1998 in an effort to promote and revitalize the downtown. Stable funding is critical for their continued success. The proposed Economic Improvement District establishes a framework for the TCBDA to continue their efforts. Staff recommends that Council proceeds with formation of the district and schedules the second public hearing.

 $I:\cdadmin\jerree\jim\general\economic\ improvement\ plan.doc$